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TABLE OF CONTENTS

June 10, 1994 Volume 18, Issue 23

PROPOSED RULES

AGRICULTURE, DEPARTMENT OF	
Weights And Measures Act	
8 Ill. Adm. Code 600	8519
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Discipline And Behavior Management In Child Care Facilities	
89 Ill. Adm. Code 384	8528
EDUCATION, STATE BOARD OF	
Driver Education	
23 Ill. Adm. Code 252	8557
PUBLIC HEALTH, DEPARTMENT OF	
Distribution Of Medical Student Scholarship Payback Funds	
77 Ill. Adm. Code 594	8572
Nursing Education Scholarships	
77 Ill. Adm. Code 597	8590

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Reports Of Child Abuse & Neglect	
89 Ill. Adm. Code 300	8601
COMMERCE COMMISSION, ILLINOIS	
Relocation Towing	
92 Ill. Adm. Code 1710	8609
CONSERVATION, DEPARTMENT OF	
Freedom Of Information	
2 Ill. Adm. Code 826	8616
Squirrel Hunting	
17 Ill. Adm. Code 690	8624
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
Affordable Housing Bond Program	
47 Ill. Adm. Code 365	8633
Affordable Housing Program	
47 Ill. Adm. Code 360	8663
LOW-LEVEL RADIOACTIVE WASTE TASK GROUP	
Information, Rulemaking & Organization	
2 Ill. Adm. Code 2950	8684

PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children

89 Ill. Adm. Code 1128703

Medical Assistance Programs

89 Ill. Adm. Code 1208718

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL
TO PROPOSED RULES**

PUBLIC AID, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 140, Withdrawal8730

NOTICE OF CORRECTIONS

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

Subacute Alcoholism And Substance Abuse Treatment Services

77 Ill. Adm. Code 20908731

NOTICE OF PUBLIC INFORMATION

ENVIRONMENTAL PROTECTION AGENCY

Listing Of Derived Water Quality Criteria8734

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of June 14, 19948742

Second Notices Received8752

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

94-265 Alfred Eisenstaedt Day8754

94-266 Chicago Academy For The Arts/Phil Donohue
Marlo Thomas Day8754

94-267 Illinois Agricultural Youth Institute Days8755

94-268 Safe Boating Week8756

94-269 Safety Week8756

94-270 Garden Week8757

94-271 Italian-American War Veterans' Days8757

94-272 James Burt Family Reunion Days8757

94-273 Mary Jean Cummings Day8758

94-274 Robert Lewandowski Day8759

94-275 D-Day Veterans' Day8759

94-276 Day Of The African Child8760

94-277 GI Bill Day8760

94-278	Jewish-American Sports Hall Of Fame Day	8761
94-279	Peter Joseph Serdar Day	8762
94-280	American GI Forum Day	8763
94-281	Philippine Week 1994	8763
94-282	Try American Day	8764

CUMULATIVE INDEX

1994 Index - Issue # 23	CI-1
-------------------------------	------

SECTIONS AFFECTED INDEX

1994 Index - Issue # 23	SAI-1
-------------------------------	-------

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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Numbers:
 Proposed Action:
 600.1 Amended
 600.300 Amended
 600.320 New Section
 600.820 Amended
- 4) Statutory Authority: Section 8 of the Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 108) [225 ILCS 470/8].
- 5) A Complete Description of the Subjects and Issues Involved:
 The Department of Agriculture has been challenged in court regarding the application of the National Institute of Standards and Technology (NIST) Handbook 44 requirements to certify scales used for the enforcement of highway weight laws. By establishing specific testing procedures for scales used for the enforcement of highway weight laws, this regulation will insure the safety of highways to the motoring public and minimize the damage to highways and bridges from vehicles which are illegally overweight.

NIST Handbook 44 has been adopted as the specifications and tolerances for all types of commercially-used weighing and measuring devices (225 ILCS 470/8). The scale code of NIST Handbook 44 contains the requirements which scales must comply. Several of the requirements are type evaluation criteria. These are applied when the devices are first evaluated by a National Type Evaluation Program laboratory. Defense attorneys are using these requirements as rationale that the field test performed by department personnel is not complete because all of the requirements of the Handbook were not met. For example, a scale must be accurate at all temperature ranges. Because we do not test a scale at every temperature point a scale is being used, the scale cannot be certified. Other requirements of the Handbook being challenged are barometric pressure, radio frequency interference, electromagnetic interference, time dependence tests, and other sections too numerous to mention. These requirements are not field inspection tests. This regulation will clarify the procedures for certifying scales used for the enforcement of highway weight laws.

Citations to the Illinois Revised Statutes have been updated, and citations to the Illinois Compiled Statutes have been added.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule in effect?: Yes, Sections 600.300 and 600.320, 18 Ill. Reg. 4426, March 18, 1994
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking will benefit local law enforcement agencies using these scales to enforce highway weight laws.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking: A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the attention of Debbie Wakefield, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, IL 62794-9281.
- 12) Initial Regulatory Flexibility Analysis:
 A) Types of small businesses affected: Trucking industry
 B) Reporting, bookkeeping or other procedures required for compliance: None
 C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER P: WEIGHTS AND MEASURES

PART 600

WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

Section	
600.1	National Bureau of Standards Handbook 130
600.10	Definitions (Repealed)
600.20	Application (Repealed)
600.30	Identity (Repealed)
600.40	Declaration of Identity: Nonconsumer Package (Repealed)
600.50	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60	Declaration of Quantity: Consumer Packages (Repealed)
600.70	Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80	Prominence and Placement: Consumer Packages (Repealed)
600.90	Prominence and Placement: Nonconsumer Package (Repealed)
600.100	Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110	Exemptions (Repealed)
600.120	Variations to be Allowed (Repealed)
600.130	Standards of Fill (Repealed)
600.140	Wholesale and Retail Exemption
600.150	Revocation of Conflicting Regulations (Repealed)
600.160	Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

Section	
600.250	Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: LIQUID WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section	
600.300	Vehicle Scales Regulation
600.310	Fees
600.320	Scales Used for the Enforcement of Highway Weight Laws

SUBPART D: MOISTURE METER TESTING

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

600.350	General (Repealed)
600.360	Testing and Inspection (Repealed)
600.370	Rejected Moisture Testing Devices (Repealed)
600.380	Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

Section	
600.450	Policy (Repealed)
600.460	Definitions (Repealed)
600.470	Certificate of Registration (Repealed)
600.480	Types of Certificates (Repealed)
600.490	Examinations (Repealed)
600.500	Exemptions (Repealed)
600.510	Registration Fee (Repealed)
600.520	Reports (Repealed)
600.530	Bonds (Repealed)
600.540	Standards and Testing Equipment (Repealed)
600.550	Revocation of Certificate of Registration (Repealed)
600.560	Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section	
600.650	Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon
600.660	Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
600.670	System Used to Sell Petroleum Product
600.680	Unit Price Per Gallon Displayed (Repealed)
600.690	Price of Gasoline
600.700	Unit Price Indicator: Set at One-Half Total Selling Price
600.710	Decals or Stickers Affixed to the Pump Face
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility
600.760	Stop Use Order; Hearing

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID
PETROLEUM PRODUCTS

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Section 600.800	Price Per Gallon or Liter in Advertisement
600.810	Height and Width of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited
600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
TABLE A	Minimum Height of Numbers and Letters (Repealed)
TABLE B	Standard Weight Per Bushel for Agricultural Commodities
TABLE C	Illinois Standard Weights and Measures
TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
TABLE E	Weights of Coal Per Cubic Foot
TABLE F	Equivalents to be used by Seller in Transposing Weights
TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act (Ill. Rev. Stat. 1987 1991, ch. 147, par. 108) [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; filed November 5, 1971, effective November 15, 1971; filed August 26, 1975, effective September 4, 1975; filed March 22, 1976, effective April 1, 1976; 3 Ill. Reg. 45, p. 72, effective October 29, 1979; 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562, effective October 1, 1981; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988; emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994 for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: PACKAGING AND LABELING

Section 600.1 National Bureau of Standards Handbook 130

THE UNIFORM PACKAGING AND LABELING REGULATION AND THE UNIFORM REGULATION FOR THE METHOD OF SALE OF COMMODITIES IN THE NATIONAL BUREAU OF STANDARDS HANDBOOK 130, AND ANY SUBSEQUENT SUPPLEMENTS OR REVISIONS THERETO, SHALL BE THE REQUIREMENTS AND STANDARDS GOVERNING THE PACKAGING, LABELING AND METHOD OF SALE OF COMMODITIES FOR THIS STATE, EXCEPT INsofar AS SPECIFICALLY MODIFIED, AMENDED,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

OR REJECTED BY REGULATION ISSUED BY THE DIRECTOR (quoted from Section 8 of the Weights and Measures Act (Ill. Rev. Stat. 1987 1991, ch. 147, par. 108) [225 ILCS 470/8]. National Bureau of Standards Handbook 130 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

a) The following sections of the Method of Sale of Commodities requirements shall not be adopted:

- 1) Section 1.2 (Bread),
- 2) Section ~~2-192.20~~ (Gasoline ~~Alcohol~~Oxygenate Blends), and
- 3) Section 1.9.2 (Price Advertising).

b) Section 1.12(c) (Ready-to-eat-food) of the Method of Sale of Commodities requirements shall be modified to read: "ready-to-eat chicken parts cooked on the premises;"

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: ~~LIQUID~~ WEIGHING AND MEASURING DEVICES:

METERS -- SCALES -- FEES

Section 600.300 Vehicle Scales Regulation

a) ~~All~~ Except for scales used for the enforcement of highway weight laws, all vehicle scales shall comply with the requirement of the National Bureau of Standard's Handbook 44, which is adopted in Section 8 of the Weights and Measures Act (Ill. Rev. Stat. 1987 1991, ch. 147, par. 108) [225 ILCS 470/8] and shall, in addition, meet either 1, 2 or 3 of the following requirements:

- 1) Pit Vehicle Scales - All pit vehicle scales shall be installed to comply with the following requirements:
 - A) The pit shall have a minimum depth of 32 inches to be measured from the bottom of the eyebeam to the floor of the pit.
 - B) Floor of the pit is to be constructed of concrete with drainage.
- 2) Low Profile Pitless Vehicle Scales - All low

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

profile pitless vehicle scales shall be installed to comply with the following requirements:

- A) A concrete pad shall be poured underneath the entire length and width of the scale at or above ground level.
- B) The scale shall be installed to insure that surface water will drain away from the scale area.
- C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad of the underneath side of the scale.
- D) Clearance of at least three feet shall be provided around the sides of the scale to insure for proper cleaning and servicing.

3) Portable Pitless Vehicle Scales

- A) Temporary Use of Scale - the scale may be used at the same facility for a period of not more than twelve months from the date of the initial state certification.

- B) Limited Use of Scale - the scale shall be used only for the weighing of soil, gravel, sand, cement and other building materials.

- C) State Test Required - a state scale test (Sections 10 and 30 of the Weights and Measures Act) is required prior to the use of the scale. This procedure is to be repeated each time the scale is moved.

- b) Livestock Scales. Livestock scales shall comply with the requirements of National Bureau of Standards Handbook 44 and regulations established by the U.S. Department of Agriculture, Packers and Stockyards Division.

- c) National Bureau of Standards Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Source: amended at 18 Ill. Reg. ____, effective ____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Section 600.320 Scales Used for the Enforcement of Highway Weight Laws

The following procedures will be used to determine the certification of scales used for the enforcement of highway weight laws. These procedures will determine if a scale(s) is to be certified or condemned. These rules supersede those published in the National Institute of Standards and Technology's Handbook 44.

- a) An increasing load test consisting of at least 20,000 pounds of known test weight shall be conducted on all scales. A minimum of two known test weight loads shall be applied, normally at the capacity of test weight load and another at one half capacity of the test weight load to each scale.

- b) One decreasing load test shall be conducted at 12,000 pounds of known test weight to 9,000 pounds of known test weight. If multiple scales are used in combination, a decreasing load test shall be performed on at least one scale.

- c) A minimum strain load test shall be conducted as follows:

1) wheel load and portable axle load scales - 20,000 pounds

2) permanently installed axle load scales - 20,000 pounds

3) all other scales - 40,000 pounds

- d) At least one repeatability test shall be conducted at 12,000 pounds. Any errors found shall agree within the absolute value of the maintenance tolerance for that load, and shall be within applicable tolerance.

- e) The tolerances to each of the above tests shall be those listed in the scale code of the latest edition of the National Institute of Standards and Technology's Handbook 44.

- f) All new scales and associated equipment must have a certificate of conformance issued by the National Type Evaluation Program.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

- g) Electronic indicating elements equipped with recording elements shall be equipped with effective means to permit the recording of weight values only when the indication is stable within plus or minus three scale divisions.
- h) The maximum scale division shall be 100 pounds.
- i) For axle, portable axle, and wheel load weigher scales, a vehicle must be in a reasonably level condition at the time the weight is being determined. Reasonably level means the vehicle must remain stationary during weighing without the use of any external braking force.
- j) For all other scales used to determine the weight of axles when part of the truck is not resting on a scale, the vehicle must be in a reasonably level condition at the time the weight is being determined.
- k) All scales used for the enforcement of highway weight laws shall be certified at least once every twelve months.
- l) Any registered serviceperson of the Illinois Department of Agriculture has the authority to place into service scales used for the enforcement of highway weight laws if the serviceperson conforms to the procedures listed above.

(Source: added at 18 Ill. Reg. _____, effective _____)

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID
PETROLEUM PRODUCTS

Section 600.820 Advertised Price Complete

If the retailer elects to advertise the price per gallon or liter of a liquid petroleum product, the price must be complete without any missing numerals in the price. In accordance with the provisions of the Gasoline Price Advertising Act, Illinois Revised Statutes (Ill. Rev. Stat. 1991, Chapter ch. 121 1/2, paragraphs pars. 861 and 862) [720 ILCS 305/1 and 2], all taxes and the identity of the product must be included with the price in any such advertisement. In addition, the unit measure shall also be a part of such advertisement.

(Source: amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Discipline and Behavior Management in Child Care Facilities
- 2) Code Citation: 89 Ill. Adm. Code 384
- 3) Section Number:
- | | |
|---------|-----------------|
| 384.1 | Renumber, Amend |
| 384.2 | Renumber, Amend |
| 384.3 | Renumber, Amend |
| 384.4 | Renumber, Amend |
| 384.5 | Repeal |
| 384.30 | New Section |
| 384.60 | New Section |
| 384.70 | New Section |
| 384.80 | New Section |
| 384.90 | New Section |
| 384.100 | New Section |
| 384.110 | New Section |
| 384.120 | New Section |
| 384.130 | New Section |

- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, Pars. 2211 et seq.) [225 ILCS 10/1]

- 5) A Complete Description of the Subjects and Issues Involved: The Department of Children and Family Services adopted Part 384, Discipline and Behavior Management in Child Care Facilities, on November 15, 1982. Since that time the rule has served to protect children placed in residential treatment facilities from treatment approaches which may be harmful. However, in some instances, the Department's rules have been overly restrictive and limited treatment methodologies that would be effective with troubled children.

Behavior management approaches have continued to be a matter of controversy and was one of the areas to be specifically addressed by the B. H. Reform Panel on Restraint, Seclusion, and the Administration of Psychotropic Medications. This B. H. Reform Panel was composed of highly qualified legal, clinical, and professional staff. After nearly one year of deliberations, the Reform Panel released a comprehensive report on the matters before it.

The Department is proposing these amendments, which are highly consistent with the recommendations of the Licensing, Restraint, and Psychotropic Medications Reform panel to resolve these long standing issues.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Phone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: Group homes, child care institutions, and other child care facilities licensed by the Department of Children and Family Services.
- C) Reporting, bookkeeping, or other procedures required for compliance: The proposed amendments make extensive changes in the record keeping and reporting requirements for this Part, add requirements for the training and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

qualifications of staff who are allowed to impose specific behavioral management procedures, and requires specific administrative oversight of many techniques.

- D) Types of professional skills required for compliance: Only professional, clinical staff may order the use of behavior management techniques for a child.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 384
DISCIPLINE AND BEHAVIOR MANAGEMENT IN CHILD CARE FACILITIES

Section	Purpose
384.10	Definitions
384.20	Effective Date of this Part
384.30	Use of Discipline
384.40	Limitations of Discipline
384.50	Behavior Management Techniques (Repealed)
EMERGENCY	
384.60	Behavior Interventions Plan in Child Care Facilities
384.70	Physical Restraints
384.80	Mechanical Restraints
384.90	Confinement
384.100	Self-Governance Programs
384.110	Secure Residential Care
384.120	Reports
384.130	Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1].

SOURCE: Adopted and codified at 6 Ill. Reg. 13713, effective November 15, 1982; emergency amendments at 18 Ill. Reg. 8474, effective May 20, 1994 for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

Section 384.10 Purpose

- a) The purpose of this part is to explain the disciplinary measures which are acceptable in child care facilities, other than foster family and day care homes, as well as those which are not acceptable; behavior intervention measures which are acceptable and prohibit those which are not acceptable. In addition, the use of behavior management techniques are explained and limited.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) These rules apply to the following types of facilities licensed by the Department of Children and Family Services: child care institutions, group homes, treatment foster family homes, and youth emergency shelters (as restricted by 89 Ill. Adm. Code 410, Licensing Standards for Youth Emergency Shelters). No other facility licensed by the Department is authorized to use physical restraint or confinement unless approved by the Department.

(Source: Section 384.10 renumbered from Section 384.1 and amended at 18 Ill. Reg. _____, effective _____.)

Section 384.20 Definitions

"Approved crisis intervention procedures" are those procedures approved by the Department of Children and Family Services and taught as part of mandated staff training expressly for use in responding to emergency situations when a child presents dangerous behavior which could not have been anticipated, or the child's current individualized treatment program is not successfully controlling the presented behavior.

"Approved written behavioral intervention program" is the current intervention program for a specific child that has been prepared by the interdisciplinary team and has received interim or final approval for implementation from all required monitoring or oversight authorities.

"Behavior intervention techniques" refers to the systematic application of the principles of human learning as a means of influencing an individual's conduct by methods which have been approved in compliance with the requirements set forth in Section 384.60.

"Behavior management techniques" means the use of physical restraint, confinement, psychotropic drugs, secure residential care or other procedures approved in compliance with the detailed requirements set forth in Section 384.6 are techniques which prevent or limit an individual's ability to initiate or continue presenting some specific harmful actions including physical restraint, confinement, the use of psychotropic drugs, secure residential care, and other restrictive procedures approved in compliance with the requirements of Section 384.60.

"Behavior Treatment Committee" means a professional review or behavior management committee formed by one or more child care facilities and composed of persons with technical expertise in the use of behavioral technology. This committee reviews for technical merit all intervention procedures which involve the systematic application of behavioral

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

technology. This would include determining whether or not there is a clinical basis for the use of the procedure, whether a procedure of this level is warranted in the particular case, and what is the standard of best clinical practice.

"Child-care facility" means any person, group of persons, agency, association or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child-care facilities may be established for profit or not for profit. Child-care facility is further defined in The Child Care Act.

"Child care facility", as used in this Part, means a child care institution, group home, treatment foster family home, youth emergency shelter (as restricted by 89 Ill. Adm. Code 410, Licensing Standards for Youth Emergency Shelters) or any other facility approved by the Department to use physical restraint or confinement.

"Confinement" means physically isolating and separating a child from the rest of the children in a specifically designated room, e.g., "time-out room," in order to allow a child to regain his self-control when the child's behavior is such that the technique is necessary to prevent physical harm to the child or others or damage to property.

"Confinement" means isolating a child alone in a specifically designated room to assist the child in regaining self-control, subject to the detailed requirements of Section 384.90.

"Department" means the Department of Children and Family Services.

"Developmental disability" means a disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded persons. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap.

"Discipline" means a method of dealing with infractions of the rules of the child-care facility.

"Discipline" means providing specific consequences for infractions of the rules of a child care facility as a means of helping children both to develop self-control and to learn they are responsible for their actions.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Human Rights Committee" means a group of three or more persons formed by one or more child care facilities and charged with assuring that children's rights are protected. The committee is responsible for reviewing intrusive or restrictive behavioral procedures to assure, among other things, that informed consent has been obtained, that due process is followed, that services are provided consistent with the least restrictive environment, and to broadly reflect community standards for conduct.

"Mechanical restraint", as used in this Part, means any device, other than personal physical force, used to directly restrict the limbs, head or body of a person. The term does not include any medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap; nor does the term include a device used for the partial or total immobilization of a person for the purpose of performing a medical/surgical procedure under the supervision of a licensed physician or registered nurse.

"Physical restraint" means a behavior management technique involving the use of the minimal amount of physical contact, characterized by measures such as wrist, arm, finger or body holds, to effectively prevent a child from causing injury to himself/herself or others, or damage to property, subject to the provisions of 384.70.

"Physical restriction" means momentary periods of touching or holding by direct person-to-person contact of the wrist, arm, shoulder, or hand. Momentary physical restriction shall not constitute physical restraint if it is accomplished with minimum force and used to prevent a child from completing an act that is likely to result in harm to self or others.

"Physician" means a person licensed in the state of Illinois to practice medicine in all of its branches.

"Qualified clinical professional" means those employees of a child care facility licensed by the Department of Children and Family Services who have been appointed by the facility as having the clinical training and expertise to oversee the application of behavior management techniques for the child care facility or specific unit in the child care facility. A qualified clinical professional must have at least 30 clock hours of training in the application of the behavior management techniques used by the facility. A qualified clinical professional must be on duty at all times. If the facility has been certified to provide Medicaid services under 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services Program, the qualified clinical professional shall be a qualified mental health professional or a qualified mental rehabilitation professional as defined in 59 Ill. Adm. Code 132.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Secure residential care" means a facility which is designed and operated so as to ensure that all entrances and exits from the facility, a building or a ~~room~~ distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has freedom of movement within the perimeter of the facility, building or ~~room~~ distinct part of the building. Such facilities use physically restricting construction including, but not limited to, locks, bolts, gates, doors, bars, fences, and screen barriers; ~~electronic monitoring equipment and security alarm systems.~~

"Self-governance program" means an organized program which allows peers to participate in the discipline or behavior management of peers under the supervision and control of staff.

"Social work supervisor" means a person with a Masters of Social Work degree from an accredited school of social work or an equivalent Masters degree in a human services field and two years of full time supervised experience in a social work setting. At least one social work supervisor in an agency shall have at least two years of experience as a supervisor.

"Treatment foster family home", as used in this Part, means a foster family home in which, in addition to being licensed pursuant to 89 Ill. Adm. Code 402. Licensing Standards for Foster Family Homes, the foster parent(s) complete a prescribed course of training specific to the care and management of child(ren) who have special needs due to conditions including, but not limited to, severe medical or health problems, physical or mental impairment, emotional, cognitive or behavior disorders which can be treated in a home setting. Such foster parent(s) function as members of an interdisciplinary team and carry out assigned aspects of an individual treatment plan under the direction of the clinical staff of a child welfare agency. Treatment foster homes generally provide specialized care and treatment for four or fewer children.

(Source: Section 384.20 renumbered from Section 384.2 and amended at 18 Ill. Reg. _____, effective _____)

Section 384.30 Effective Date of this Part

The requirements prescribed in this Part shall become effective upon the date they are officially adopted and published and shall apply immediately to all child care facilities which are not currently licensed. Child care facilities licensed in good standing at the time this Part is officially adopted and published shall have six months from that date to comply with the requirements of this Part.

(Source: Added at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 384.3 40 Use of Discipline

- a) Discipline ~~is may only~~ be used to help ~~children~~ a child develop self-control and learn to assume responsibility for ~~their~~ his or her own actions.
- b) In order to help ~~children~~ a child know the rules of a child care facility, each facility shall have simple, understandable rules for both children and staff. The rules shall set the limits of behavior required for the protection of the group. These rules shall be written and shall be explained to ~~children~~ each child and staff member.
- c) With respect to all discipline as described below in subparagraphs (d) (3) through (d) (4) ~~(6)~~ (7):
 - 4) ~~prior to imposition of discipline, the child shall have the reasons for imposing discipline explained and shall be given an opportunity to explain the reasons for the conduct leading to the discipline;~~
 - 1) prior to the application of the discipline, the child shall be informed of the rule infraction;
 - 2) prior to application of the discipline, the child shall have the reasons for, the nature of, and duration of the discipline explained;
 - 2) the case record shall contain a summary of the discipline imposed applied, specifying the conduct of the child leading to the discipline and the nature and duration of the discipline; and
 - 3) the administrator of the facility or his or her designee shall review all discipline applied to individual children ~~at the end of the duration of the discipline within 48 hours of administration of the discipline.~~ The ~~and the reviewer~~ shall not be the individual who imposed the disciplinary measure. The administrator of the facility or his or her designee shall approve or disapprove of the discipline imposed and shall indicate his or her review and approval/disapproval by signing and dating the report of discipline.
- d) Acceptable discipline includes:
 - 1) firm positive statements;
 - 2) rewards for positive behavior;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) assigning special or additional tasks for periods not to exceed one ~~week~~ month;
- 4) temporary removal of privileges (e.g., television, radio or record player, special activity outside the facility) for periods not to exceed one month;
- 5) withholding a child's personal spending money for a maximum of one week, except as limited by Sections 384.50 (g) and (i), under the following circumstances: in accordance with this Part for periods not to exceed one month. The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his/her behavior. However, no more than 50% of the child's monthly personal spending money shall be withheld for any reason.
 - A) for reasonable restitution for damages done by the child; or
 - B) for breaking the rules ~~if the child has been given an oral warning that his/her spending money will be reduced for this infraction; and~~ after the child had been given an oral warning that his/her spending money will be reduced for the infraction. Spending money may not be withheld for more than one month as discipline for a rules infraction. When a child's spending money has been withheld because he/she has broken a rule, the caretaker shall give the child opportunities to earn the money back and shall explain to the child how the money can be earned back.
- 6) restriction to the child's sleeping quarters or room under reasonable supervision for periods not to exceed one (1) hour eight (8) hours; or
- 7) restriction to the premises or specified areas of the premises for periods not to exceed three (3) days.

(Source: Former Section 384.3 renumbered to 384.40 and amended at 18 Ill. Reg. _____, effective _____)

Section 384.4 50 Limitations of Discipline

- a) ~~Discipline shall not be out of proportion to the particular inappropriate behavior and shall be initiated within 24 hours of learning of the inappropriate behavior. No child shall be subjected to discipline that is out of proportion to the particular inappropriate behavior, nor shall a child be~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

subjected to discipline that is initiated more than 24 hours after learning of the inappropriate behavior.

- b) ~~Discipline shall not be delegated to a child's peers. No child shall be subjected to discipline by the child's peers except as part of an organized self-governance program approved through Section 384.100.~~
- c) No child shall be subjected to verbal abuse, threats, or derogatory remarks ~~under any circumstances.~~
- d) No child shall be subjected to corporal punishment ~~under any circumstances.~~
- e) No child shall be deprived of a meal or part of a meal as discipline. ~~However, special treats may be withheld as a disciplinary measure.~~
- f) No child shall be deprived of visits or weekly telephone contacts with family, attorneys or their legal assistants, assigned caseworkers or other persons who have established a parenting bond with the child as discipline.
- g) No child shall be deprived of clothing or sleep as discipline.
- h) No child shall be subjected to mechanical restraints ~~under any circumstances except as provided in Section 384.80.~~
- i) No child shall be deprived of items necessary for personal hygiene (e.g., toothpaste, toothbrush, soap, comb, etc.) as discipline.
- j) No child shall be deprived of an opportunity for a daily shower or bath, access to toilet, or use of a water fountain as discipline.
- k) No child shall be subjected to unclean and unsanitary living conditions as discipline.
- l) No child shall be deprived of health care, including counseling, as discipline.
- m) No child shall be deprived of exercise, assigned excessive exercise, forced to take an uncomfortable position, or assigned strenuous or harsh work including work which is beyond the physical, mental, or emotional capacity of the child. ~~as discipline.~~
- n) No child shall be deprived of a right to receive and send uncensored mail as discipline. However, if a child care facility suspects that a child is sending or receiving contraband materials via the mail, the child may be required to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

open the mail in the presence of staff so the contents may be examined for contraband.

- o) No child shall be deprived of an opportunity to attend religious services and/or religious counseling of his/her choice as discipline.
- p) No child shall be disciplined for toilet accidents.
- q) No child shall be subjected to any behavior management techniques except as provided in Section 384.5 Sections 384.50 - 384.110.
- r) In addition to all other prescribed discipline as set forth in this Part, no child shall be subjected to cruel or unusual punishment as discipline.

(Source: Former Section 384.4 renumbered to 384.50 and amended at 18 Ill. Reg. _____, effective _____)

Section 384.5 Behavior Management Techniques (Repealed)

a) ~~No child-care facility shall use any behavior management technique unless approved by its governing body and the Department of Children and Family Services. Licensed child-care facilities who are using any of the behavior management techniques described in this Section shall secure approval of their governing bodies and the Department within 90 days of adoption of this Part. Such facility or supervising agency shall establish a written plan for the use of the technique(s) which:~~

- ~~1) details the purpose, scope and limits of the technique;~~
- ~~2) clearly describes personnel, methods and procedures by which the technique is administered;~~
- ~~3) is approved, and reviewed at least every two years, by the governing body of the facility and the Department of Children and Family Services;~~
- ~~4) provides for professional involvement and responsibility in administration and supervision of the technique;~~
- ~~5) provides that all persons using the technique are trained and supervised in the technique;~~
- ~~6) provides that documentation of training on use of the technique is in the personnel files of those empowered to use the technique;~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 7) ~~describes the procedures for record-keeping and data collection for review by administration of the facility subject to review by Department of Children and Family Services personnel specifically designated by the Director of the Department and by other departments contracting for the facility's services;~~
- 8) ~~provides for informing youth and agencies referring youth about the technique and procedures for its administration prior to a youth's admission to the facility;~~
- 9) ~~provides that the technique is used on an individual basis with adequate procedures to preclude administration of the technique with respect to a child whose treatment plan contraindicates the use of the technique; and~~
- 10) ~~provides that the only techniques which may be used are those as described in subparagraphs (b) through (e) below. If a child-care facility wishes to utilize any behavior management technique not specified below, the processes identified in subparagraphs (a) (1) through (9) above are applicable.~~
 - b) ~~Physical restraint shall be administered as an emergency, temporary technique to be used only provided:~~
 - 1) ~~non-physical disciplinary means (Section 384.4 (d) have been attempted and are not proven effective, or the emergent nature of the situation precludes attempting non-physical means;~~
 - 2) ~~physical restraint shall cease as soon as the youth has regained control or other behavior management techniques are administered;~~
 - 3) ~~physical restraint shall be administered in such a manner to avoid provoking further and more violent behavior in the youth;~~
 - 4) ~~physical restraint shall not consist of, or be accompanied by, the use of mechanical restraints, striking, hitting, punching, wrestling, or the use of excessive or unnecessary force;~~
 - 5) ~~physical restraint is only employed by caretakers specifically trained in passive physical restraint techniques;~~
 - 6) ~~each use of physical restraint shall be reported as soon as practicable and a written record forwarded within 24 hours, to the administrator~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- of the facility, and to the assigned caseworker or other person designated by the administrator;
- 7) the administrator of the facility or designee shall review all written records of physical restraint daily and shall inquire into the reasons for excessive use of physical restraint by any staff; and
 - 8) upon request, the child's parent(s) (unless parental rights have been terminated), guardian and attorney shall be notified within 24 hours when a child is subjected to physical restraint;
- e) Confinement is limited only to children over the age of 11 years who pose an imminent danger to themselves or others and may be administered provided:
- 1) non-physical disciplinary means or physical restraint have been attempted and are not proven effective, or are inappropriate to prevent harm to the child or other or damage to property;
 - 2) the use of confinement is under the direct management and supervision of clinically trained staff (social work, psychology, psychiatry);
 - 3) confinement shall be in a room (whether locked or unlocked) which is adequately heated, lighted, ventilated, and suitably furnished;
 - 4) all periods of confinement shall not exceed 2 hours in any 8 hour period;
 - 5) no period of confinement shall be employed unless ordered by a social work supervisor (or a similarly qualified staff person), specifically designated by the administrator of the facility and who is trained in the proper use of confinement and who has first personally observed the child and assessed the child's situation;
 - 6) each order of 15 minute periods of confinement shall state the events leading to the need for initial or continued confinement, the purposes and the length of time for which confinement is to be employed;
 - 7) all orders of confinement shall be reported as soon as practicable, and written copies forwarded by the end of the shift to the administrator of the facility and to the assigned caseworker or other person designated by the administrator;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- g) the administrator of the facility or designee shall review all confinement orders daily and shall inquire into the reasons for the orders of confinement by any staff person who routinely orders them;
 - 9) the staff person who ordered the confinement shall assign a child care worker or similarly qualified person to visually monitor the child every five minutes and to maintain a written record of the observations;
 - 10) a physician shall be consulted or the child shall be transported to a hospital or mental health facility when confinement is necessary for more than 2 hours. The facility shall obtain permission from the child's parent(s) or guardian before admitting the child to a hospital or mental health facility; and
 - 11) upon request, the child's parent(s) (unless parental rights have been terminated), guardian and attorney shall be notified within 24 hours when a child remains in confinement for 2 hours;
- d) Psychotropic drugs may only be used by a child care facility provided:
- 1) the drug is prescribed only by physicians licensed in the State of Illinois and is a clinical component of a child's treatment plan under the direct management and supervision of a physician;
 - 2) the physician who prescribed the drug has personally examined the child immediately prior to prescribing the drug. The examination shall be written into the child's record and accompanied by a statement by the physician containing the following information:
 - A) a description of the child's current mental and physical condition, including a description of the physical symptoms, if any, resulting from effects of previously administered psychotropic drugs;
 - B) the intended effect of the prescribed drug, the duration and dosage of the drug, the relationship of the prescribed drug therapy to other forms of treatment, and any other medication being given to the child; and
 - 3) after the purpose, duration and any known side effects of the drug have been explained to the parent(s) or guardian, the parent(s) or guardian has consented in writing to the administration of the drug.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 384.60 Behavior Intervention Plans in Child Care Facilities

Child care facilities which contract with the Department of Children and Family Services shall develop a behavior intervention plan which describes their facilities' programming. In addition, each child shall have an individual treatment plan that identifies those specific components of the overall behavior intervention plan that will be applied to that child and the specific behaviors the individual treatment plan is intended to address.

- a) Licensed child care facilities or their supervising agency shall develop a behavior intervention plan describing the behavior intervention techniques, as defined in Section 384.20, to be used by the facility. This plan shall include a detailed description of:
 - 1) the facility's approved crisis intervention procedures as defined in Section 384.20;
 - 2) daily programming identifying specific behavior intervention techniques; and
 - 3) behavior management techniques, as defined in Section 384.20, to control actions which present a danger to self or others.

- b) The behavior intervention plan shall be approved by the governing body of the facility and the Department. The specific requirements for the plan are set forth in paragraphs (c) through (e). Licensed child care facilities shall submit their written behavior intervention plan to the Department for approval within 180 days of the adoption of this part. No behavior intervention plan may be implemented until approval by the Department has been obtained. The Department shall respond in writing within 90 days of receipt of the written plan with regard to approval, denial or request for amendment of the new plan.

- c) The behavior intervention plan shall contain the following general components:
 - 1) a written statement of the values and ultimate purpose in employing any treatment procedure;
 - 2) a detailed description of the full range of intervention procedures or combination of procedures employed, including the operational details of the interventions themselves.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) an ongoing system for collecting and reviewing monthly aggregate data that reflect the use of restrictive treatment elements including the number of applications of confinement and/or physical restraint, the number of individuals whose behavior resulted in confinement and/or physical restraint, the range and average length of confinement and/or physical restraint, and unusual incidents and injuries;
 - 4) a procedure for handling and reporting behavioral emergencies; and
 - 5) guidelines for carrying out these provisions consistent with the needs of disabled individuals.
- d) The behavior intervention plan shall contain the following information regarding personnel:
- 1) a description of the credentials of the personnel involved in designing, approving, implementing, monitoring or overseeing the implementation of the interventions;
 - 2) a system for training and assuring the competency (both written and practical) of individuals involved in all facets of behavioral intervention;
 - 3) documentation that all personnel subscribe to a recognized Code of Ethics. The Code of Ethics can be endorsed by a professional organization but it must specifically address the professional's obligations with respect to the use of potentially restrictive interventions;
 - 4) a policy for the discipline and/or discharge of personnel who violate the facility's policies and procedures on the use of behavioral interventions;
 - 5) a procedure providing for training and the annual certification of all persons using behavior intervention techniques, including training in the areas of the physiology of respiration, the circulatory system, and the body's response to excitement and stress; and
 - 6) documentation of all training and retraining in the use of behavioral interventions shall be maintained in the personnel files of staff. If the facility operates an organized self-governance program, documentation of all training and retraining of each child authorized to participate shall be maintained in the child's case file.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) Behavior intervention plans shall contain a quality assurance mechanism that includes:

- 1) a procedure for review of the child's medical record which shall contain explicit documentation by the consulting physician for the facility that there are no medical contraindications to the use of specific behavior intervention or behavior management techniques. This assessment and documentation must be renewed following any significant change in the child's medical condition.
- 2) a procedure for review of any determination made by the treatment team at the child's initial case staffing as to whether any of the established behavior intervention or behavior management procedures would be contraindicated due to psychological or developmental reasons and documentation by the team in the child's permanent record. This review and documentation shall be renewed following any significant change in the child's developmental or psychological condition.
- 3) a process for approving, monitoring and reviewing individual treatment plans including both a technical review by a Behavioral Treatment Committee, as defined in Section 384.20, and a human rights review by a Human Rights Committee, as defined in Section 384.20.
- 4) a policy regarding the use of restrictive behavioral interventions or behavior management techniques that identify instances in which such procedures may be contraindicated:
- 5) a system where instances of behavior that are dangerous to self or others shall be brought to the attention of appropriately trained personnel;
- 6) a policy which requires that unanticipated occurrences, as in emergency circumstances or repeated instances of the use of potentially restrictive interventions, be brought to the attention of appropriately trained personnel;
- 7) a policy for informing the child, referring agencies, parents, and guardians prior to admission concerning the behavioral interventions employed by the facility and the procedures for their administration; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

8) a policy providing that the child's parent(s) (unless parental rights have been terminated), guardian, or attorney shall be advised of their right to be notified of each instance of physical restraint or confinement.

f) The facility shall establish policies and procedures designed to ensure that individual treatment plans are developed, implemented and reviewed in accordance with current standards of acceptable behavioral practice. At a minimum, these policies and procedures shall provide as follows:

- 1) every individual's treatment plan shall include positive reinforcement for adaptive, socially acceptable behavior;
 - 2) relevant adaptive and maladaptive behaviors will be defined and quantified for non-emergency circumstances before any program which includes potentially restrictive elements, such as physical restraint and confinement, is implemented. The quantification of relevant target behaviors shall be an ongoing and integral part of the pre-treatment, treatment, and post-treatment process;
 - 3) satisfactory evidence that maladaptive behaviors under consideration for treatment are not the result of under staffing, inconsistencies in programming, or medical/physical problems that would contraindicate behavioral interventions;
 - 4) not less than quarterly review of potentially restrictive elements included in individual treatment plans with consideration given to decreasing and eventually discontinuing those program elements; and
 - 5) provisions shall be included in individual treatment plans for the maintenance and generalization of adaptive behaviors.
- g) Behavior intervention policies shall be reviewed and approved at least every two years by the governing body of the facility and the Department.
- h) The governing body of the facility and the Department must approve any additional techniques before they are implemented.
- i) Child care facilities may appeal adverse licensing decisions concerning the approval of their behavior intervention plan pursuant to Part 383: Licensing Enforcement.

(Source: Added at 18 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 384.70 Physical Restraints

Physical restraint may only be used when a child presents a threat of physical harm to self or others. Such threat shall include any destructive behavior reasonably expected to lead to physical harm to self or others. Physical restraint shall not be used until after other less restrictive procedures or measures have been explored and found to be inappropriate. Physical restraint shall not be used for a child whose treatment plan, medical condition, mental illness, or developmental or psychological status contraindicates the use of this technique.

- a) physical restraint may be used to prevent runaway only when the child presents a threat of physical harm to self or others;
- b) physical restraint shall not be used as discipline for rule infractions or as a convenience for staff;
- c) a child may not be restrained for more than fifteen minutes beyond the point at which the child ceases presenting the specific behavior for which the restraint was ordered or any other behavior for which restraint is an appropriate intervention.
- d) physical restraint shall be administered in such a manner as to avoid provoking further and escalating incidents of the behavior in the child;
- e) physical restraint shall not consist of, or be accompanied by, the use of mechanical restraints, the use of excessive or unnecessary force, or any other action which produces pain, covers the head or any part of the face, or in any way restricts normal circulation and respiration of the child;
- f) physical restraint shall be employed only by persons who are certified as having successfully completed a criterion referenced, competency based training program presenting the specific procedures to be used. This certification must be renewed through criterion referenced and competency based assessment at least every 12 months. Current certification shall be documented in the individual's permanent personnel record. If an organized self-governance program approved by the governing body and the Department allows for peer participation, only peers having completed such training may assist with the technique. This training shall include demonstrated competency in the humane and efficient implementation of the individualized restraint program as demonstrated in analog applications of the procedures and devices on participants in the training.
- g) application of physical restraint requires direct supervision and management by the qualified clinical professional, as defined in Section 384.20.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

designated as responsible for making clinical decisions at the time restraint is applied. If this person is not present when restraint is first applied, he or she must be summoned immediately and remain until the restraint episode is concluded or relieved by a similarly qualified and clinically responsible person. Each use of physical restraint shall be reported as soon as practicable and a written record forwarded within 24 hours to the administrator of the facility or designee, the assigned caseworker in the facility, or the social work supervisor. If the use of physical restraint results in an injury requiring emergency medical treatment by a physician, the administrator shall receive an immediate report.

- b) the written record of physical restraint shall include: the date of the occurrence, the precipitating incident(s); the age, height, weight, sex and race of the restrained child; the persons (including other residents) who participated in restraining the child; any witnesses to the precipitating incident and subsequent restraint; the exact methods of restraint used; the beginning and ending time of the restraint; and a detailed description of any injury arising from the incident or restraint. The supervisor in charge at the time of the incident and restraint shall review the report submitted by child care staff, inquire into any irregularities, and sign and date the written report indicating the date it was reviewed;
- i) the administrator of the facility or his/her designee shall review all written records of physical restraint the next business day. The administrator or his or her designee shall approve or disapprove of the use of restraint under the circumstances described and shall indicate his or her review and approval/disapproval by signing and dating the report of discipline. The decision concerning the need for further action, if any, should be documented whenever any of the following occur:
 - 1) restraint is used repeatedly by any staff person;
 - 2) restraint is used repeatedly on any child;
 - 3) the duration of the restraint exceeds 30 minutes;
 - 4) any provision in these rules is violated; or
 - 5) the restraint results in an injury requiring emergency medical treatment by a physician.
- j) no single instance of restraint may exceed 60 consecutive minutes;
- k) in no event may restraint continue for more than 2 hours in a 24 hour period unless a registered nurse with supervisory responsibility or a physician confirms, in writing, following an on-site, personal examination of the child, that the restraint does not pose an undue risk to the child's health in light of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the child's physical or medical condition. Alternatively, the facility may transport the child to a hospital or mental health facility.

- 1) upon request, the administrator of the facility or designee shall notify the child's parent(s) (unless parental rights have been terminated), guardian or attorney in writing within two business (2) days when a child is subjected to physical restraint, and shall provide such notice for any physical restraint which results in injury to the child.

(Source: Added at 18 Ill. Reg. _____, effective _____.)

Section 384.80 Mechanical Restraints

No child shall be subjected to mechanical restraint(s), as described in Section 384.20, unless prescribed by a licensed physician for the treatment of a physical disorder, the amelioration of a physical handicap, or to perform a medical procedure.

(Source: Added at 18 Ill. Reg. _____, effective _____.)

Section 384.90 Confinement

Confinement is limited to children aged six and older who have been placed in a child care facility and who pose a threat of physical harm to themselves or others. Such threat may include any destructive behavior reasonably expected to lead to physical harm to self or others. Confinement shall not be used until after other, less restrictive procedures or measures have been explored and found to be inappropriate. Confinement shall not be used for a child whose treatment plan, medical condition, mental illness or developmental or psychological status contraindicates the use of the technique.

- a) Confinement may be administered provided:

- 1) the use of confinement is under the direct management, supervision and approval of clinically trained staff (i.e. social work, psychology, psychiatry, or behavior analysis) who are trained and have demonstrated both written and applied competency in the use of this procedure;
- 2) confinement shall be in a room at least 40 square feet with the shortest wall at least 6' and with an 8' ceiling which is heated, lighted, ventilated as the other rooms of the facility. Confinement rooms are to be unfurnished and are to have padding or carpeting on the floors and walls up to the six foot level unless prohibited by local health or fire codes. Light fixtures are to be screened or recessed, and interior door knobs are to be removed. Confinement rooms shall

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

be approved by the Department's licensing unit prior to usage. Locked confinement rooms must be inspected and approved by the Office of the State Fire Marshal:

- 3) the staff person who ordered the confinement shall assign a child care worker trained in the use of the confinement to monitor the child by direct, in-person, visual observation on a continuous basis. A child care worker assigned to monitor a child in a confinement room shall have this monitoring as his or her sole job duty throughout the period of confinement in order to ensure the child's safety while in the room, and will maintain a written record of the observations. Such observation may be through an uncovered one way mirror or regular window which provides for observation of the entire room at all times, if the staff person has unimpeded access to the confinement room and normal daily sounds are audible;
- 4) a written log is to be kept of each confinement episode. This log will contain entries by the child care worker monitoring the confinement at no more than fifteen minute intervals clearly describing the behavior of the child at that time and a clinical impression of whether or not the behavior requires continuation of the confinement;
- 5) a child may not be kept in confinement more than thirty minutes beyond the point at which the child ceases presenting the specific behavior for which the confinement was ordered or any other behavior for which confinement is an appropriate intervention;
- 6) no child may be kept in confinement longer than a total of 2 hours in any 24 hour period. If confinement is necessary for more than 2 hours in a 24 hour period, a qualified clinical professional shall approve continuing the confinement on an hourly basis with a total episode of confinement not to exceed 4 hours, or the child shall be transported to a hospital or mental health facility. If the child exhibits behavior which places that child at medical or physical risk, a physician shall approve continuing the confinement on an hourly basis with a total episode of confinement not to exceed 4 hours or the child shall be transported to a hospital or mental health facility;
- 7) belts, shoes, matches, weapons, or any other object that can be used to inflict self-injury are to be taken from the child or removed from the room prior to placement of the child in the locked confinement if there are indications in the child's record or the child's current behavior that such precautions are warranted;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 8) children placed in confinement shall not be deprived of clothing (other than belts or items which may be used to inflict self-injury), eating, toileting, medication, or other basic living functions;
- 9) key locks may not be employed on locked confinement room doors. A staff member shall remain outside the confinement room or may remain inside the locked room at all times during which a child is confined. An automatic mechanism shall release the child from confinement in the event of a fire or other disaster.
- b) confinement may be used to prevent runaway only when the child presents a threat of physical harm to self or others;
- c) confinement shall not be used as discipline for rule infractions or for the convenience of staff;
- d) children with a developmental disability as a major diagnosis shall not be placed in confinement;
- e) application of confinement requires direct supervision and management by the qualified clinical professional designated as responsible for making clinical decisions at the time confinement is applied. If this person is not present when confinement is first applied, he/she must be summoned immediately to approve this intervention and remain available for further consultation until the episode is concluded or he/she is relieved by a similarly qualified and clinically responsible person. Each use of confinement shall be reported as soon as practicable and a written record forwarded within 24 hours to the administrator of the facility or designee, the assigned caseworker in the facility, or the social work supervisor. The administrator of the facility or his or her designee shall approve or disapprove of the use of confinement under the circumstances described and shall indicate his or her review and approval/disapproval by signing and dating the report. If the use of confinement results in an injury requiring emergency medical treatment by a physician, the administrator shall receive an immediate report;
- f) a written report shall be created and maintained for each episode of confinement. This report shall state the events and behavior leading to the initiation of confinement; any additional behavior presented by the child during the confinement period which required continuation of confinement; the date of the occurrence; the age, height, weight, sex and race of the confined child; the precipitating incident(s); the persons (including other peers) who participated in confining the child; any witnesses to the precipitating incident and subsequent confinement; the exact methods of confinement used; the beginning and ending time of the confinement; and a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- detailed description of any injury occurring as a result of this incident and confinement. The supervisor on duty at the time of the incident and confinement shall review the report submitted by the child care staff, inquire into any irregularities, and sign and date the written report indicating the date it was reviewed.
- g) upon request, the child's parent(s) (unless parental rights have been terminated), guardian or attorney shall be notified in writing within two (2) business days when a child remains in confinement for 2 hours or confinement results in injury.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 384.100 Self-Governance Programs

- a) Child care facilities may institute organized self-governance programs supervised by staff which allow peers to participate in the discipline or behavior management of peers upon compliance with this Section. In an organized self-governance program, staff retain full responsibility for ensuring that all discipline or behavior management is appropriate for the circumstances and does not violate the requirements of this Part. An organized self-governance program shall not be utilized as a substitute for adequate staffing.
- b) A child care facility may only implement an organized self-governance program following approval of a written plan by the child care facility's governing body, and the Department. The Department will not approve a plan for an organized self-governance program unless it includes at least the following:
- 1) parents, guardians and children are advised of the self-governance program prior to admission to the facility;
 - 2) the admissions policy clearly specifies the ages, behavior, functional level, and history of children to be accepted for the self-governance program. Children who do not meet the admissions policy shall not be admitted to the program. Any self governance program which allows the use of peer-assisted restraint may not admit the following types of children:
 - A) a child under age 12;
 - B) a child who is diagnostically considered a high homicidal or suicidal risk;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- C) a child who is overtly physically aggressive or inclined to commit violent act against another person;
- D) a child who has experienced severe abuse or neglect;
- E) a child with a history of severe sexual abuse either as a victim or a perpetrator; and
- F) a child whose treatment plan, medical condition, mental illness or developmental or psychological status contraindicates the use of the technique.
- 3) facility staff have education, experience, and training directly related to the administration and delivery of services in a self-governance program;
- 4) the facility has developed and implemented a regular, ongoing monitoring, evaluation, and record keeping system for the self-governance program which can demonstrate whether the program, as implemented, is consistent with the plan approved by the Department;
- 5) the discharge policy clearly specifies the criteria for successful completion of the program and also specifies what attitudes and behaviors will be reason for involuntary discharge from the self-governance program. The policy must identify who in the facility has authority to approve the successful completion or the involuntary discharge of a child from the program; and
- 6) the facility's peer-assisted restraint policy complies with the standards in sub-section (c) and Section 384.70.
- c) Peer-assisted restraint as part of a self-governance program is subject to the provisions of Section 384.80 on Physical Restraint and this sub-section.
- 1) All restraints shall be initiated only by staff and shall be controlled at all times by staff. A staff member must always be present and must be the primary individual administering physical restraint to a child, with peers who have been trained in the technique acting as assistants, as needed.
- 2) Staff shall maintain the responsibility to monitor the emotional state, level of excitability, and safety of peer group. The principle concern of the staff member must be for the safety of the child and the peer group.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) The following children shall not be admitted to a program which includes peer-assisted restraint:
- A) a child under age 12;
- B) a child who is diagnostically considered a high homicidal or suicidal risk;
- C) a child who is overtly physically aggressive or inclined to commit violent acts against another person;
- D) a child who has experienced severe abuse and neglect;
- E) a child with a history of severe sexual abuse either as a victim or a perpetrator; and
- F) a child whose treatment plan, medical condition, mental illness or developmental or psychological status contraindicates the use of the technique.
- 4) Before assuming supervision of children, staff will be trained in peer-assisted restraint techniques. Staff will receive additional training once a year. Documentation of training shall be placed in an employee's personnel file.
- 5) Peer group members must be trained in peer-assisted restraint procedures, policies and philosophy before participating in the restraints. A procedure for discussion with the group and the child involved about a restraint incident and how the restraint could have been avoided should be implemented.
- 6) Only the following types of restraints are authorized:
- A) Minor restraint where peers assist staff in holding the wrist, hand or arm of a sitting or standing child; or
- B) Major restraint where peers assist staff in placing the child on the floor and holding the child's limbs to the floor with their hands.
- d) A review team composed of qualified specialists in child development, behavioral disorders, child psychiatry, and human rights issues shall review the plan and plan amendments, and recommend a decision for the Director's final approval. The Department's final decision shall be made within 90 days of receipt of the complete plan for organized self-governance.
- e) The written plan shall be reviewed and approved at least once every two years by the child care facility's governing body, and the Department. This review and re-approval of any plan which allows peer involvement in the physical restraint of other peers shall include a review of all reports on

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

physical restraints administered in the program, either by staff alone or with the assistance of peers, since the plan was last approved.

- f) Child care facilities with self-governance programs in place as of the effective date of these amendments have 180 days to prepare a written plan of their organized self-governance program and submit it for the Department's review and approval.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 384.110 Secure Residential Care

Secure residential care may be used only for alleged or adjudicated delinquents, minors who are alleged or adjudicated in contempt of valid court orders and minors admitted to the facility under, and subject to the protection of, the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1979 1991, chapter 91 ½, pars. 4-100 1100 et seq.) (405 ILCS 35/1J). The referring agency shall have made a determination, based on the recommendation of a psychiatrist or clinical psychologist who has personally examined the minor, that the child requires secure residential care for the child's or the community's protection.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 384.120 Reports

Child care facilities shall report to the Department licensing authority unusual incidents regarding discipline and behavior management of children placed in the facility.

- a) The facility shall report as an unusual incident:
- 1) any injury incurred by the child as a result of discipline or behavior management;
 - 2) any 30-day period in which five or more instances of restraint and/or confinement of a specific child occurred;
 - 3) any single incident of restraint or confinement which lasted one hour or longer;
 - 4) any violation of this Part.
- b) Reports shall be made in writing and postmarked within two business days of the unusual incident.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 384.130 Severability of This Part

If any court of competent jurisdiction finds any section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Added at 18 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) Section Numbers: Proposed Action:
252.20 Amendment
252.25 New Section
252.30 Amendment
- 4) Statutory Authority: 105 ILCS 5/27-23 and 27-24, as amended by P.A. 88-188, effective January 1, 1994.
- 5) A Complete Description of the Subjects and Issues Involved:
These proposed amendments respond to P.A. 88-188, which requires that a student have passed 8 courses in the previous 2 semesters in order to be eligible for driver education, unless he or she has received a waiver of this requirement as provided in Section 27-24.2 of the School Code. The amendments incorporate the new requirement into the rules for Driver Education, update related references, establish the necessary procedures for verification and recordkeeping, and make various technical corrections.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Bureau of Business Development of the Department of Commerce and Community Affairs: May 23, 1994.
 - B) Types of small businesses affected: Commercial driver training schools.
 - C) Reporting, bookkeeping or other procedures required for compliance: Commercial driving schools must comply with the requirements established by the Secretary of State [92 Ill. Adm. Code 1060] in verifying the eligibility of students wishing to enroll in driver education.
 - D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 252

DRIVER EDUCATION

Section

252.10 Definitions

252.20 Administration and Procedures

252.25 Eligibility of Students

252.30 The Terms of Reimbursement for Public School

Participation in the Program

252.40 Driver Education Teacher Requirements

252.50 Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by Sections 27-23 and 27-24 et seq. of the School Code [105 ILCS 5/27-23 and 27-24 et seq., as amended by P.A. 88-188, effective January 1, 1994].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at ___ Ill. Reg. effective _____.

NOTE: Capitalization denotes statutory language.

Section 252.20 Administration and Procedures

- a) Availability of the Course -- ~~Section~~ Sections 27-23 and ~~Section 27-24.2 of the School Code (Ill. Rev. Stat. 1985, ch. 122, pars. 27-23, and 27-24-2 [105 ILCS 5/27-23 and 27-24.2, as amended by P.A. 88-188, effective January 1, 1994])~~ are consistent in that under both sections the public school district offering courses in grades nine through twelve must provide the driver education course for any legal resident of the district between the ages of 15 and 21 years who requests the course, provided such resident is eligible as set forth in Sections 27-23 and 27-24.2.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Public high school districts must provide the approved driver education course for all eligible students of the district who attend an independent, parochial, or private school that does not offer the course.
 - 2) Independent, parochial, or private schools may offer an approved driver education course at their own expense. The course must be complete to meet the requirements for certification of students.
 - 3) Public high school districts must provide the driver education course for all eligible Illinois students, regardless of the district of their residence, who attend an independent, parochial, or private school which is located within that school district's boundaries when application is made by the administrators of the independent, parochial, or private school. By April 1, the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such a course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15.
 - 4) ~~An~~ **An** eligible student may elect to enroll in an approved driver education course at a commercial school at his or her expense.
 - 5) School districts are obligated to make the driver education course available within a reasonable length of time after a request has been filed. (Reasonable length of time is based on a student's individual needs and the school district's ability to meet the student's needs.)
- b) When to Offer the Course -- Any high school district offering an approved driver education course must offer the course during the school day and may offer the course at other times.
- 1) The driver education course may not be offered only during the summer months or extended school days.
 - 2) Enrollment in a driver education course must be closed at the inception of the course. Another course may be started when enrollment warrants.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

c) Program Organization -- Approved driver education courses must be organized according to the standards established in Section 27-24 et seq. of the School Code (the Driver Education Act) (Ill. Rev. Stat. 1985, ch. 122, par. 27-24 et seq.) and this Part.

- 1) Any student who is enrolled in a driver education course should receive classroom and laboratory instruction at the same school or public school district.
- 2) When circumstances make it necessary or beneficial for a student to receive laboratory instruction from a school other than that from which he or she received classroom instruction, official verification of satisfactory completion of the classroom portion and parental consent must be on file in the office of the management or the chief school officer of a school or public school district before laboratory instruction only shall be given. Examples of such circumstances are listed below.

- A) A student changes the district of his or her residence after classroom completion.
- B) A student is a resident of the district but attends an approved school outside of the State of Illinois.
- C) A student changes residence from another state to Illinois after completion of a comparable course and reciprocity is established. Reciprocity is established if the other state's driver education course requires at least 30 clock hours of classroom instruction and 6 clock hours of practice driving.
- D) A school in Illinois is dissolved, has lost its license to operate, or the driver education course being offered is no longer approved.
- E) A student is in attendance at a private school other than in the student's district of residence.
- 3) A minimum of thirty clock hours of classroom instruction must be completed by each student.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) The length of each instructional period shall not exceed ninety minutes.
- 5) Both the classroom and laboratory instruction must be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs).
- 6) Laboratory instruction shall not begin until the student has started classroom instruction.
- 7) Laboratory instruction may be taught during an extended school day.
- 8) Each student shall have a valid instruction permit when engaged in practice driving instruction. Driver education instructors shall not certify to the Secretary of State that a student is enrolled in a driver education course and requires an instruction permit to participate in practice driving until just prior to the beginning of the student's practice driving instruction, and in no event shall such certification be made so that the instruction permit will be issued more than two weeks prior to the student's first practice driving experience with an approved driver education instructor.
- 9) The law requires each student to complete a minimum of six clock hours of practice driving instruction or its equivalent. At least one but not more than three student observers must be in the car during practice driving on public streets. At least one hour of observation time is required for each hour of practice driving.
- 10) Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the facility shall consist of a minimum of 80,000 square feet and provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decisionmaking. A minimum of two hours must be in a dual-control car under traffic conditions.
- 11) Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.

- 12) Laboratory instruction which employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following standards:

- A) two clock hours of multiple-car instruction are provided in lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than 4 clock hours of practice driving;
- B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than 3 clock hours of practice driving; and
- C) no less than 1 clock hour of practice driving is provided.

- 13) SCHOOL DISTRICTS MAY ADOPT A POLICY TO PERMIT PROFICIENCY EXAMINATIONS FOR THE PRACTICE DRIVING PHASE OF THE DRIVER EDUCATION COURSE AT ANY TIME AFTER A STUDENT COMPLETES 3 HOURS OF PRACTICE DRIVING UNDER THE DIRECT INSTRUCTION OF A QUALIFIED DRIVER EDUCATION TEACHER. The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of "Practice Driving" in Section 252.10 of this Part; and the examination given to students after their completion of at least three clock hours of practice driving instruction:

- A) must be the same as the examination given at the completion of six hours of practice driving; and
- B) must include an assessment of each student's ability to make proper decisions in varying levels of traffic, and to execute these decisions in a smooth, safe, and efficient manner.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 14) Satisfactory driver education course completion denotes that each student has the minimum competencies which meet course objectives and is eligible for the Illinois Driver Education Certificate.
- 15) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.
- d) Enrollment -- All eligible students who reside in a public school district must be provided an equal opportunity to enroll in the driver education course.
- 1) The local school district of which ~~a~~ an eligible student is a resident has the responsibility of providing the approved driver education course when requested by the student.
 - 2) A public school student's declaration of intent is considered made at the time of regular registration.
 - 3) Other eligible residents of the district are considered to have made a declaration of intent when the course is requested on an individual basis from the public high school. Such request must be honored within a reasonable length of time. (See: Section 252.20(a)(5))
 - 4) Independent, parochial, and private school administrators may request the approved driver education course for all eligible students, residents in Illinois, from the public school district in which the nonpublic school is located.
 - 5) Administrators and teachers of state approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.
 - 6) Dual-Control Cars -- The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than that which is designated by agreement or contract. Automobiles used for on-street driver education purposes must display a printed sign which measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background.

- 7) Contracting -- In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of the cooperative school district ~~tax~~ programs.

- A) Schools offering an approved driver education program shall not contract the course from any individual or agency.
- B) Inasmuch as commercial driver education schools are not allowed, through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.
- 8) C+ Students, as individuals, have the options of applying for the course at the high school district of their residence or of purchasing the course from a commercial school.

(Source: Amended at __ Ill. Reg. ____, effective ____)

Section 252.25 Eligibility of Students

- a) Pursuant to Sections 27-23 and 27-24.2 of the School Code, no student shall be permitted to enroll in a driver education course provided by a public school district, a nonpublic school, or a commercial driving school unless he or she has either:

- 1) received a passing grade in at least 8 courses during the previous 2 semesters; or
- 2) received a waiver of this requirement from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full-time during the semester for which enrollment in driver education is sought.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

b) Courses

- 1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.
- 2) For the purpose of determining eligibility under this Section, any coursework completed by a student during a summer term falling within the twelve-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the 8 courses for which passing grades are needed.

c) Waivers

- 1) If in the sole judgment of the public school district superintendent or nonpublic school chief administrator of the school in which the student is or will be enrolled full-time during the semester for which enrollment in driver education is sought, waiver of the requirement set forth in Section 252.25(a)(1) would be in the best interest of a student who has requested enrollment in driver education, the superintendent or chief school administrator may waive the requirement for that student.
- 2) A record of any waiver granted pursuant to this Section shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.75, or its equivalent in the case of a nonpublic high school.

d) Verification of Eligibility

- 1) Each public school district, nonpublic school, or commercial school offering driver education shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.
- 2) Commercial driving schools and students wishing to enroll in them shall be subject to all applicable provisions of the Secretary of State's rules for

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Commercial Driver Training Schools [92 Ill. Adm. Code 1060].

- 3) Public school districts and nonpublic schools offering driver education shall establish procedures for verifying the eligibility of students enrolled there full-time when eligibility is based upon the records created by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records in time to permit the student's enrollment in driver education, then unofficial records or a sworn statement of the student shall be used to certify eligibility.

- 4) When a student requests enrollment in driver education coursework offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering such coursework shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.

A) Confirmation may be obtained either in writing, by telephone, or via electronic means addressed to the official records custodian designated by the school pursuant to Section 50-4(a) of the School Code [105 ILCS 10/4(a)], provided that a notation is entered in the student's temporary record describing how and when confirmation was secured and identifying the official who provided the information, with his or her title.

B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.

C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible. A copy of the notification shall be placed in the student's temporary record.

(Source: Added at ___ Ill. Reg. ___, effective ___)

Section 252.30 The Terms of Reimbursement for Public School Participation in the Program

- a) Claims for Reimbursement -- These SHALL BE MADE UNDER OATH OR AFFIRMATION OF THE PRESIDENT OR ACTING PRESIDENT OF THE SCHOOL BOARD AND THE CHIEF SCHOOL ADMINISTRATOR FOR THE DISTRICT EMPLOYED BY THE SCHOOL BOARD.

1) Reimbursement shall be determined in accordance with the provisions of Sections 27-24.4 and 27-24.5 of the Driver Education Act School Code. If the local school board establishes a policy permitting students to take a proficiency examination after at least three (3) clock hours of practice driving (see Section 252.20(c)(13)), and student(s) successfully complete the examinations, the claim for reimbursement will include this fact. However, reimbursement for students who fail the proficiency examination may be claimed only upon their completion of six (6) clock hours of practice driving.

2) The state shall not reimburse any district for any student enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in the course, or who did not hold a valid instruction permit during the laboratory instruction, or any district which did not adequately publicize and provide the course in a reasonable time after requested.

3) If the sum appropriated from the driver education fund is insufficient to pay all claims submitted each year, the amount payable to each district shall be proportionately reduced.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) The school district which is the residence of ~~a an~~ eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the state.
- 5) The district may charge a reasonable fee -- not to exceed the amount specified in Section 27-23 of ~~the~~ the School Code -- to students who participate in a driver education course approved in accordance with this Part. This fee shall supersede any other fee(s) or portion thereof charged to students and attributable to the driver education course. As used in this Part, "reasonable fee" means a fee calculated by dividing the sum of documented annual district costs for items such as instructional materials (if not included in the district's textbook rental fee), the cost of driver education cars, car maintenance costs, fuel, and insurance by the number of students participating in the driver education course. For purposes of this calculation, the cost of driver education cars that are purchased by the district shall be amortized over a five-year period, and the cost of leasing cars shall be included in the fee calculation in the year such costs are incurred.
- 6) No fee shall include any portion of the costs for school district personnel salaries and benefits.
- 7) The driver education fee shall be waived with respect to any student who applies pursuant to this subsection and who is eligible for ~~Free or Reduced Price Meals~~ free lunches or breakfasts pursuant to ~~Section 712.1 et seq. of the School Code (Ill. Rev. Stat. 1985, ch. 122, par. 712.1 et seq.)~~ the School Free Lunch Program Act [105 ILCS 125/1 et seq.], ~~or for Public Aid under Article IV of the Public Aid Code (Ill. Rev. Stat. 1985, ch. 23, par. 4-1 et seq.) or who is eligible under such other circumstances as the district decides requires a waiver~~ and with respect to other students in accordance with the district's policy adopted in accordance with Section 1.245 ("Waiver of School Fees") of the rules of the State Board of Education (see 23 Ill. Adm. Code 1. Public Schools Evaluation, Recognition and Supervision).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) Tuition Student -- The district of residence will pay the entire per capita cost of such instruction to the other school and make claim for state reimbursement for such student.
- c) Cooperative School Programs -- In fulfilling the reimbursable requirements, a school district must provide an approved driver education course or participate in a special education cooperative or be part of an approved joint school agreement with another public school district.
- d) Records -- Daily attendance records shall be kept by the teachers in the manner prescribed in Section 27-24.6 of The School Code and are to be used to certify claims made under the Act.
 - 1) Records must be maintained by the school which substantiate daily lessons, time behind the wheel, observation time, other laboratory experiences and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and laboratory instruction. Students are to be identified by their instructional permit number, name, address and other personal information.
 - 2) Such records are to be on file in the office of the driver education supervisor, principal, or other manager at the time reimbursement and/or certification is requested.
 - 3) Driver education participation records are to be kept and be readily available for a period of not less than three years.
 - 4) All records are subject to yearly audit by state auditors.
- e) Public School District Participation Agreement -- Prior approval affirms continuous approval as long as the school continues to maintain standards established in the Driver Education Act and this Part. An educational specialist from the office of the State Board of Education will visit each reimbursable program annually, after which a letter describing the status of the course will be issued to the district superintendent.
- f) Driver Education Cost Accounting -- Records of all expenses incurred in the operation of a reimbursable driver

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ILLINOIS REGISTER

STATE BOARD OF EDUCATION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED RULES

education program must be maintained by school officials. Actual school expenditures for administration, supervision, instruction, instructional supplies, inservice training for teachers, operation of equipment, buildings, and other special construction (provided a schedule is on file) may be used to determine the actual per capita cost.

(Source: Amended at — Ill. Reg. —, effective —.)

1) The Heading of the Part:

Distribution of Medical Student Scholarship Payback Funds

2) Code Citation:

77 Ill. Adm. Code 594

3) Section Numbers:

594.10
594.20
594.30
594.40
594.100
594.110
594.120
594.130
594.140
594.150
594.200
594.210
594.220
594.230
594.240
594.300
594.400
594.410
594.420
594.430
594.440

Proposed Action:

New Section
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4) Statutory Authority:

Implementing and authorized by the Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460 [110 ILCS 935/10] as amended by Public Act 87-655, effective January 1, 1992).

5) A Complete Description of the Subject and Issues Involved:

These proposed rules will implement Public Act 87-655, by increasing the availability of primary care physicians to meet the health care needs of citizens residing in medically underserved areas. The rulemaking provides for the creation of resource enhancement funds in cooperation with entities such as the Illinois Development Finance Authority, the distribution of funds to create

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

a health professional education loan repayment program, the distribution of monies in the Community Health Center Care Fund, and grants to family practice residency programs, medical schools, and local health departments serving a medically underserved population.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No ✓

7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes No ✓

8) Does this Rulemaking Contain any Incorporations by Reference?

Yes No ✓

9) Are there any other Proposed Amendments Pending on this Part?

Yes No ✓

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
Statement of Statewide Policy Objectives:		

10) Statement of Statewide Policy Objectives:

This rulemaking will have no economic effect on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act commenting on these rules shall indicated their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

D) Types of Professional Skills Necessary for Compliance:

The full text of the Proposed Rules appears on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER G: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE AND
SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 594

DISTRIBUTION OF MEDICAL STUDENT SCHOLARSHIP PAYBACK FUNDS

SUBPART A: GENERAL PROVISIONS

Section
594.10
594.20
594.30
594.40

Applicability
Definitions
Incorporated or Referenced Materials
Administrative Hearings

SUBPART B: CAPITAL FUND DEVELOPMENT IN COOPERATION
WITH ILLINOIS DEVELOPMENT FINANCE AUTHORITY

Section
594.100
594.110
594.120
594.130
594.140
594.150

Availability of Funds
Responsibilities of the Illinois Development Finance Authority
Responsibilities of the Department and the Center for Rural Health
Eligibility to Receive Loans From the Capital Funds
Application for Loans
Selection of Loan Recipients

SUBPART C: SUPPORT FOR HEALTH PROFESSIONALS
EDUCATIONAL LOAN REPAYMENT GRANTS

Section
594.200
594.210
594.220
594.230
594.240

Availability of Funds
Limitations on Use of Loan Repayment Funds
Eligibility for Application
Selection Criteria for Distribution of Loan Repayment Funds
Terms of Performance

SUBPART D: GRANTS TO EXPAND ACCESS TO COMPREHENSIVE PRIMARY
HEALTH CARE IN MEDICALLY UNDERSERVED AREAS OF ILLINOIS

Section
594.300

Availability of Funds

SUBPART E: GRANTS TO SUPPORT PROJECTS WHICH WILL INCREASE THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

SUPPLY OF FAMILY PHYSICIANS FOR ILLINOIS' UNDERSERVED AREAS

Section
594.400
594.410
594.420
594.430
594.440

Eligibility for Grants
Limitations on Use of Grant Funds
Project Requirements
Application for Grants
Selection Criteria

AUTHORITY: Implementing and authorized by the Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460 [110 ILCS 935/10]) as amended by Public Act 87-655, effective January 1, 1992).

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 594.10 Applicability

a) This Part is in response to an act designed to increase the availability of primary care physicians, especially family physicians, to meet health care needs of citizens living in underserved areas. Monies made available are to be used to expand access to primary care services. The provisions of this rulemaking are organized into five Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.

b) Subpart B includes provisions for creation of resource enhancement funds in cooperation with entities such as the Illinois Development Finance Authority or any others to be authorized. These provisions set forth the proposed amount of funds to be transferred to the Illinois Development Finance Authority, and establishes performance requirements for both the Authority and the Department.

c) Subpart C includes provisions for distribution of funds to create a health professional education loan repayment program, including the modifications necessary when federal grant funds are available

d) Subpart D includes provisions for distribution of monies in the Community Health Center Care Fund to support activities detailed in Subpart B and D of the Illinois Rural Health Code (77 Ill. Adm. Code, Part 596, proposed), and to support educational enhancement activities to increase the numbers and abilities of family physicians able to meet the primary health care needs in Illinois' underserved areas

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- e) Subpart E establishes program requirements to award grants for activities which will increase access to primary health care for underserved populations and will enhance educational opportunities for family physicians.

Section 594.20 Definitions

"Act" means the Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460) [110 ILCS 935/10].

"Authority" means the Illinois Development Finance Authority.

"Community Based Organization" means a locally organized and recognized group of individuals whose goals include efforts to maintain or increase the availability or accessibility of necessary health care for the citizens of the community.

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Sections 329, 330 or 340 of the federal Public Health Service Act, respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Family practice residency program" means a training program meeting the requirements of the Accreditation Council for Graduate Medical Education of the American Medical Association, or by the Committee on Postdoctoral Training of the American Osteopathic Association.

"Full time practice" means maintaining office hours for patient care which equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1992." Midlevel providers will meet the same minimum time requirements of their supervising physician.

"Fund" means the Community Health Center Care Fund.

"Local health department" means a county, multi-county, municipal or district public health agency recognized by the Department.

"Medically underserved population" means individuals who reside in a U.S. Department

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

of Health and Human Services designated health professional shortage area or medically underserved area; or who are designated a medically underserved population by the U.S. Department of Health and Human Services; or who reside in an area designated by the Department as underserved.

"Mid-level providers" include health professionals who have completed specialized training and who meet the requirements of nationally recognized health professional organizations granting certification to nurse practitioners, certified nurse midwives, and physician assistants.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. It should be comprehensive in nature and not organ or problem specific; it should be oriented toward the longitudinal care of the patient; and it should be responsible for coordination of other health and social services as they relate to the patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60] with a specialty in family practice, general internal medicine, obstetrics/gynecology, general pediatrics, or combined internal medicine/pediatrics and as defined by recognized standards for professional medical practices.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2500 or less.

Section 594.30 Incorporated or Referenced Materials

The following materials are incorporated or referenced in this Part:

a) Illinois Statutes

- 1) Illinois Family Practice Residency Act (Ill. Rev. Stat. 1991, ch. 144, par. 1460) [110 ILCS 935].
- 2) Illinois Rural/Downstate Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 8051 et seq.) [410 ILCS 65].
- 3) Illinois Civil Administrative Code (Ill. Rev. Stat. 1991, ch. 127, par. 55.53 and 55.57) [20 ILCS 2310/55.53 and 55.57].
- 4) Public Act 88-0535, effective January 26, 1994.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

b) Illinois and Federal Rules

- 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
 - 2) Family Practice Residency Code (77 Ill. Adm. Code 590).
 - 3) Rural Health Code (77 Ill. Adm. Code 596).
 - 4) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 254c (1991)).
 - 5) Designation of Medically Underserved Areas, Section 330 (b)(3) of the Public Health Service Act (42 U.S.C. 254c (b)(3)(1991)).
- c) All incorporations by reference of standards of nationally recognized organizations refer to standards on the date specified and do not include any additions or deletions subsequent to the date specified.

Section 596.40 Administrative Hearings

All administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearing (See 77 Ill. Adm. Code 100).

SUBPART B: CAPITAL FUND DEVELOPMENT IN COOPERATION WITH
ILLINOIS DEVELOPMENT FINANCE AUTHORITY

Section 594.100 Availability of Funds

From monies deposited into the Community Health Center Care Fund since January 1, 1992, a sum not to exceed \$300,000 will be transferred to the Authority, pursuant to Public Act 88-0535, effective January 26, 1994. The transfer will be a one-time, lump sum payment.

Section 594.110 Responsibilities of the Illinois Development Finance Authority

- a) The Authority will be responsible for management of the monies transferred to it by the Department from the Fund. It will use the transferred monies to establish bond reserve or credit enhancement escrow accounts, loan program reserves, or other escrow accounts.
- b) The Authority will be responsible for completion of all reports as required by the Department and agreed to by the Authority in an interagency agreement.
- c) The Authority will be responsible for all loan monitoring and collection of loan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

repayments from the community health centers which have borrowed from the fund created.

Section 594.120 Responsibilities of the Department and the Center for Rural Health

- a) The Department will be responsible for management of the Community Health Center Care Fund and the transfer of the agreed upon payment to the Authority.
- b) The Center will assist the Authority in identifying the eligible recipients to participate in the capital development projects to be funded with the monies leveraged by the Authority.

Section 594.130 Eligibility to Receive Loans From the Capital Funds

Community health centers in Illinois are eligible to apply for loans from the Illinois Development Finance Authority-managed capital fund

Section 594.140 Application for Loans

- a) Applications for loans will be in a format determined by the Authority.
- b) Applications will be submitted to the Authority through the Center prior to the Authority's determination of the type of financing option it will pursue.

Section 594.150 Selection of Loan Recipients

Applications submitted to the Center will be reviewed by staff of the Center, the Authority, and the Illinois Primary Health Care Association. Final selection decisions will be at the discretion of the Authority.

SUBPART C: SUPPORT FOR HEALTH PROFESSIONALS
EDUCATIONAL LOAN REPAYMENT GRANTS

Section 594.200 Availability of Funds

- a) From monies deposited into the Fund, an annual sum of \$150,000 shall be used for an health professional educational loan repayment program beginning in State Fiscal Year 1995
- b) These monies shall be used by the Center to match federal dollars awarded through the National Health Service Corps State Loan Repayment Program Grant, when available.
- c) If the federal grant dollars are not available, the monies made available from the Fund shall continue to be used to support an educational loan repayment program for health professionals

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- d) Funds used to repay a health professionals' educational loans shall consist of 75 percent state and/or federal funds and 25 percent local funds from nonstate and nonfederal sources.

1) When National Health Service Corps State Loan Repayment Grant Program funds are available and used, the local payment will be made into the Rural/Downstate Health Access Fund.

2) When only state and Community Health Center Care Fund monies are used, the local contribution may be made directly to the health care provider recruited through this program. The local entity assuming responsibility for the 25 percent payment shall enter into a written agreement with the Department. The agreement contains additional terms and conditions which ensure compliance with this Part, the laws of the State of Illinois, and enforcement of the agreement.

Section 594.210 Limitations on Use of Loan Repayment Funds

- a) Funds shall be used for the repayment of educational loans of primary care physicians and mid-level providers who agree to serve in designated shortage areas.
- b) Payments may be used for the principle, interest and related expenses of government and commercial loans received by the individual and used for tuition expenses, and all other reasonable educational expenses incurred by the individual. The loans must have been incurred in pursuit of the recipient's professional education and may include undergraduate and graduate educational programs.

c) Applicants who agree to practice in an underserved area for two years are eligible for up to \$25,000 annually; however, if the total amount of the applicant's qualifying educational loans is less than \$50,000, they will receive one-half of the total qualifying educational loan amounts annually.

d) Applicants who agree to practice in an underserved area for three years are eligible for up to \$25,000 for each of the first two years and up to \$35,000 for the third year of service; however, if the balance of the applicant's qualifying educational loans after the first two years of service is less than \$35,000, they will receive payment for the remaining qualifying educational loans in the third year.

e) Applicants who agree to practice in an underserved area for four years are eligible for up to \$25,000 annually for the first and second years of service and \$35,000 annually for the third and fourth years of service. However, if the balance of the applicant's qualifying educational loans after the first two years of service is less than \$70,000, they will receive one-half of the remaining qualifying educational loans annually in the third and fourth years.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- f) An amount equal to 39 percent of the total amount of loan repayments made for each tax year in which such payments were made shall be paid to the loan repayment program recipient in those years when National Health Service Corps State Loan Repayment Grant Program funds are available.

g) Funds may not be used to monetarily repay a practice obligation resulting from educational loans or scholarships, whether from Illinois based institutions or organizations or governments, or those in other states.

Section 594.220 Eligibility for Application

a) Any Illinois licensed physician or midlevel provider, or one who can be expected to be licensed in Illinois and who intends to practice in a designated shortage area of Illinois, may apply for educational loan repayment.

b) Applicants shall not have been in practice in a designated shortage area for longer than six months prior to the beginning of the next application period for educational loan repayment.

c) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's degree or diploma. Such documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to date of application.

d) Applicants shall be willing to practice full-time in a designated shortage area(s) in Illinois.

e) Applicants not yet in practice, or not yet in practice in a designated shortage area(s) shall document intent to do so by written confirmation from a community-based organization or agency, or from other health care providers located within the designated shortage area.

Section 594.230 Selection Criteria for Distribution of Loan Repayment Funds

a) One-third of the available funds will be used for educational loan repayment of mid-level providers, if applications are sufficient in number to warrant the amount.

b) When numbers of applications are sufficient to support a geographical separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.

c) When numbers of applications are sufficient, an equal number of applicants shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

selected from Chicago and from the remaining urban areas of the State.

d) Within the geographical considerations, preference shall be given to applications from providers who will be working at sites that are serving a large minority population, in rural areas with ongoing problems recruiting providers, and migrant and community health centers.

e) Preference shall be given to applications from those providers who have been recruited by, or are actively involved with a community-based organization or group having as one of its goals the improvement or maintenance of the availability and accessibility of primary health care in its area.

f) When all other selection criteria are essentially equal among a group of applicants, preference will be given to the applicant with the greater educational indebtedness.

g) Applications shall have the following priority classifications applied to the location and other characteristics of the practice:

1) Higher population-to-primary care physician ratio, new provider to area, and endorsement by community-based group or organization.

2) Applicant in practice six months or less, higher ratio of population-to-primary care physician, and endorsement by community-based group or organization.

3) Applicant new to area or in practice six months or less, but no endorsement by community-based group or organization.

h) Applications shall be accepted between July 1 and September 30 and considered for funding according to the criteria described above. If all funds are not expended, subsequent application cycles will occur on a quarterly basis until all funds are obligated.

Section 594.240 Terms of Performance

a) Each primary care physician or midlevel provider selected for educational loan repayment shall sign a written contract with the Department. The contract may contain additional terms and conditions which ensure compliance with the laws of the State of Illinois, and enforcement of the contract. In fiscal years when National Health Service Corps State Loan Repayment Grant funds are awarded to the state, federal requirements shall be included in the contract.

b) Primary care physicians and midlevel providers selected for loan repayment shall practice for a minimum of two years in a designated shortage area on a full-time basis. In fiscal years when National Health Service Corps State Loan Repayment Grant funds are awarded to the state for support of this program, loan repayment recipients must practice

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

in federally designated health professional shortage areas. In years when no federal funds from the National Health Service Corps State Loan Repayment Grant are available, the practice site may be located in a shortage area as designated by the Department.

c) Loan repayment recipients who move their practice from the location described in the recipient's original application shall relocate to an area which qualifies for the same or a higher priority ranking. Relocating to a lower priority area will result in termination of the loan repayment contract. The recipient will be eligible to reapply for the loan repayment program and be considered among all other applicants.

d) Payments to recipients will be made by the Department on a semiannual basis. The recipient is responsible for payments to the appropriate financial institutions holding the recipients' educational loans.

e) Loan repayment recipients who first agree to the minimum two years of service and who, after completing those years, apply for additional years of obligated service with loan repayment shall document that their loan balances as reported at the time of their first application to the program have been decreased at least by the amount paid to them by the Department during the first obligated service period. Documentation of loan balances shall be provided by the lending institution.

f) Misrepresentation of the facts presented in the application or failure to meet the practice terms will be considered a breach of contract.

g) Loan repayment recipients who agree to serve for two years and, for any reason, fail to complete the period of obligated service, shall be liable to repay an amount equal to the sum of the total amount paid to the recipient and an amount equal to the number of months of unserved obligation multiplied by \$1000.

h) Loan repayment recipients who agree to serve for more than two years and, for any reason, fail to complete at least two years of the period of obligated service shall be liable to repay the amount as set forth in g) above.

i) Loan repayment recipients who agree to serve for more than two years and, for any reason, fail to complete the period of obligated service after completing at least two years of obligated service, shall be liable to repay an amount equal to the sum of the total amounts paid to the recipient for any period of obligated service not served and \$10,000, if the recipient fails to give the Department at least one year prior notice of his or her intent to breach the obligation.

j) Loan repayment recipients who do not complete at least one year of service shall be liable to repay an amount equal to the total number of months in the full period of obligated service multiplied by \$1000.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- k) In fiscal years when only state and local funds are available for support of this program, all obligations of the loan repayment recipient shall be excused in the event the recipient becomes totally and permanently disabled. For purposes of this c, disability means a physical or mental disease impairment or condition which prevents practice in the recipients' professional field with or without reasonable accommodation. Proof of disability shall be a declaration from the Social Security Administration, Illinois Industrial Commission, Department of Defense, or an insurer authorized to transact business in the State of Illinois who is an insurer of the recipient providing disability insurance coverage to the recipient.
- l) All amounts owed by the loan repayment recipients shall be paid within one year of the date the Department determines that the recipient is in breach of the program obligations.
- m) In the event the primary care physician or midlevel provider does not repay any funds owed to the Department, the Department may refer the matter to the Attorney General or to a collection agency.

SUBPART D: GRANTS TO EXPAND ACCESS TO COMPREHENSIVE
PRIMARY HEALTH CARE IN MEDICALLY UNDERSERVED AREAS OF ILLINOIS

Section 594.300 Availability of Funds

- a) In State fiscal year 1995, the monies in the Fund, less the lump sum transfer to the Illinois Development Finance Authority, and less the \$150,000 allocation for the educational loan repayment program, shall be distributed in equal amounts to support the following programs:

- 1) Grants to Develop Community Based Primary Care Centers (77 Ill. Adm. Code 596, Subpart B);
- 2) Grants to Support Expansion of Community Health Centers' Programs (77 Ill. Adm. Code 596, Subpart D);

- 3) Grants to support development, maintenance and expansion of educational experiences which will result in an increased supply of family physicians for Illinois' rural and its underserved areas (see Subpart E of this Part).

- b) In State fiscal year 1996 and all subsequent years, the monies in the fund as of June 30 of the prior fiscal year, less the \$150,000 allocation for the educational loan repayment program, shall be distributed in equal amounts to support the following programs:

- 1) Grants to Develop Community Based Primary Care Centers (77 Ill. Adm. Code 596, Subpart B);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 2) Grants to support development, maintenance and expansion of educational experiences which will result in an increased supply of family physicians for Illinois' rural and its underserved areas (see Subpart E of this Part).

- c) Monies allocated to each activity but not expended in a fiscal year shall be added to the allocation for the activity in the subsequent fiscal year.

SUBPART E: GRANTS TO SUPPORT PROJECTS WHICH WILL INCREASE
THE SUPPLY OF FAMILY PHYSICIANS FOR ILLINOIS' UNDERSERVED AREAS

Section 594.400 Eligibility for Grants

This grant program is designed to improve the ability of medical schools and family practice residencies both to increase the numbers of and to better prepare family physicians for practice in underserved areas of the state.

- a) The following applicants are eligible to apply for grants through this Subpart:

- 1) any accredited family practice residency program located in Illinois;
 - 2) any school of medicine or osteopathy in Illinois with a department of family medicine or family practice;
 - 3) local health departments serving an underserved population;
 - 4) non-profit, community-based organizations or facilities, including but not limited to community health centers.
- b) Each application must be jointly submitted by at least two eligible applicants, with one being a residency program or medical or osteopathic school.

Section 594.410 Limitations on Use of Grant Funds

- a) Grant funds shall be used by the applicant to support project expenses, whether incurred at the applicants' central sites or at remote locations which are an integral part of the project. Project expenses include:

- 1) personal services expenses of staff directly involved in the project;
- 2) medical equipment and supplies necessary for the operation of the project;
- 3) staff, resident and student travel directly related to the project;
- 4) nonmedical equipment and supplies necessary for the operation of the project;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 5) contractual services and rent necessary for the operation of the project;
 - 6) expenses associated with necessary facility remodeling;
 - 7) expenses associated with participation in an interactive telecommunication system, to establish telemetry and other electronic communication capabilities;
 - 8) other expenses critical to the operation of the project.
- b) Grant funds shall not be used to supplant other state or federal grants.
 - c) Grant funds shall not be used to purchase real property.

Section 594.420 Project Requirements

- a) Projects to be funded through this Subpart shall respond to requests for proposals distributed by the Department which delineate project expectations.
- b) Examples of projects to be addressed in the requests for proposals distributed by the Department include but are not limited to the following:

- 1) special experiences for medical students and residents that may result in an increase in the number of family physicians available for Illinois' rural areas and its medically underserved areas;
- 2) educational programs to increase the teaching skills of practicing physicians who are, or want to become preceptors;
- 3) educational programs to increase the teaching skills of family medicine faculty to better prepare students and residents for practice in rural and in medically underserved areas;
- 4) innovative teaching models for students and residents interested in practices serving rural and medically underserved populations;
- 5) interdisciplinary teaching models for health professional students;
- 6) educational support programs to develop and maintain an interest in family medicine and other health professions for interested students from rural areas and medically underserved areas;

- c) Projects shall identify a director who is responsible for administrative and fiscal management of the project

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- d) Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.

Section 594.430 Application for Grants

- a) Applications shall be prepared and available from the Department for eligible applicants.
- b) Application formats shall include, but not be limited to:
 - 1) summary statement of the applicant's plan of action to address the project(s) described in the Department's request for proposals;
 - 2) thorough explanation of the manner in which the proposed project would increase the numbers of, or abilities of family physicians to meet the needs of rural and medically underserved populations;
 - 3) statement of the measurable and relevant objectives the applicants propose to achieve in the grant year as well as the longer term goals;
 - 4) a work plan and time table for achievement of the objectives;
 - 5) an evaluation plan which will allow documentation of the project's progress in achieving its goals;
 - 6) detailed budget with narrative description of the request; and
 - 7) description of the student, resident, faculty and other health professional involvement in the project;
 - 8) description of the educational benefits the project offers students and residents which, without the project, would not be available to them;
 - 9) description of the benefits the project offers other health care providers and citizens living in the rural and in the medically underserved areas affected by the projects

Section 594.440 Selection Criteria

- a) The review of the applications shall take into consideration the following criteria:
 - 1) potential effectiveness of the project to increase the number of family physicians available for Illinois' rural and medically underserved areas;
 - 2) degree to which the proposed project adequately provides for the training of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- health professionals to practice in rural and medically underserved areas;
- 3) degree to which the applicants demonstrate a commitment to establishing and maintaining long-term collaborative relationships between academic institutions and health care facilities and providers in rural and medically underserved areas;
 - 4) effectiveness of the organizational arrangements necessary to carry out the project;
 - 5) prior experiences of the applicants in projects which addressed needs of rural and medically underserved populations;
 - 6) extent to which the budget justification is reasonable and indicates that institutional and community support are available to support the project;
 - 7) extent to which the financial information indicates an effective utilization of grant funds and indicates the project has the potential to become self-sufficient.
- b) Additional selection criteria which will cause an application to receive priority consideration include:
- 1) projects which are closest to operational status at time of application;
 - 2) projects which exhibit need for funds from this grant for the shortest period of time.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part:
Nursing Education Scholarships
- 2) Code Citation:
77 Ill. Adm. Code 597
- 3) Section Numbers:
597.10
597.110
597.200
597.220
597.320
Proposed Action:
Amendment
Amendment
Amendment
Amendment
- 4) Statutory Authority:
Implementing and authorized by The Nursing Education Scholarship Law (Ill. Rev. Stat. 1991, ch. 144, par. 2751 et seq.) [110 ILCS 975]
- 5) A Complete Description of the Subjects and Issues Involved:
Section 597.10 Definitions
The definitions of "part-time academic work" is being revised to refer to enrollment as at least one-third of the number of hours required per term by a school for its full-time students.
The definition of "professional nursing practice" is being revised to refer to "professional nursing and "practical nursing".
Section 597.110 Application
Item a) 3) - Deleted "registered nurse"; existing Statute does not allow registered nurses (only practical nurses) the option of providing a copy of the current Illinois license.
Existing items a) 4) and A) 5) have been renumbered accordingly.
Item a) 4) - allows practical nurses the option of providing a copy of the current Illinois license in lieu of providing high school graduation or alternative high school degree program information. Also added upper 1/2 class level requirement for scholarship consideration.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 597.200 Scholarship Description

Item e) - Revised the description for disbursement of scholarship funds to schools. It was a more efficient use of manhours to prepare one payment to each participating school to cover full academic year expenses of its recipients rather than collect bills after each school term. Said bills would triple the workload of program staff regarding voucher preparation.

Section 597.220 Selection Criteria for Award of Scholarships

Item a) 3) - Deleted this item. FY 1994 was the first year the third level criteria was implemented. Program staff found that part-time students received less aid than full-time students and, therefore, were given priority over full-time students for scholarship funding. The following are proposed third and fourth level criterias:

- 3) for practical nursing applicants; lottery among applicants who have equal financial need.
- for associate degree, hospital-based diploma, and baccalaureate nursing applicants; least number of hours remaining to degree completion; and
- 4) for associate degree, hospital-based diploma and baccalaureate nursing applicants; within each nursing category, lottery among applicants who have an equal number of hours remaining to degree completion.

Section 597.320 Forgiveness of Scholarship

Items a) 1) A) & B) and a) 2) A) & B) - Program staff wanted to define what types of nursing employment would be acceptable for scholarship forgiveness. The definition "professional nursing practice" which refers to the professional and practical nursing definitions contained in the Illinois Nursing Act of 1987 provides such examples.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

- 7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes No X

If "yes," please specify type: 6.02(a) or 6.06(b)

- 9) Are there any Other Proposed Amendments Pending on this Part? Yes No X

If yes:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section Numbers Proposed Action Ill. Reg. Citation

- 10) Statement of Statewide Policy Objectives:

This rulemaking

- 1) corrects definitions;
- 2) corrects and clarifies the application process; and
- 3) updates scholarship description, selection and forgiveness criteria.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

N/A.

- B) Type of Small Businesses Affected:

None.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

- 1) Illinois nursing employment documentation forms.
- 2) Individual card file which tracks recipient documentation forms semi-annually.

- D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 597
 NURSING EDUCATION SCHOLARSHIPS

SUBPART A: INTRODUCTION

Section
597.10

Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
597.100
597.110

Eligibility
Application

SUBPART C: AWARD OF SCHOLARSHIPS

Section
597.200
597.210
597.220

Scholarship Description
Determination of Financial Need
Selection Criteria for Award of Scholarships

SUBPART D: TERMS OF PERFORMANCE

Section
597.300
597.310
597.320

Contract
Repayment of Scholarship
Forgiveness of Scholarship

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law (Ill. Rev. Stat. 1991, ch. 144, pars. 2751 et seq.) [110 ILCS 975].

SOURCE: Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

SUBPART A: INTRODUCTION

Section 597.10 Definitions

"ACADEMIC YEAR" MEANS THE PERIOD OF TIME FROM SEPTEMBER 1 OF

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

ONE YEAR THROUGH AUGUST 31 OF THE NEXT YEAR (Section 3 of the Law).

"Accepted for admission" means that a student has completed the requirements for entry into a practical nursing education program, associate degree in nursing program, associate degree of applied sciences in nursing program, hospital based nursing diploma program, or baccalaureate degree in nursing program at the approved institution, as documented by the institution.

"APPROVED INSTITUTION" MEANS A PUBLIC COMMUNITY COLLEGE, PRIVATE JUNIOR COLLEGE, HOSPITAL BASED NURSING PROGRAM, OR PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY LOCATED IN THIS STATE WHICH HAS NATIONAL LEAGUE FOR NURSING ACCREDITATION OR APPROVAL BY THE DEPARTMENT OF PROFESSIONAL REGULATION OR THE ASSOCIATE DEGREE PROGRAM IN NURSING, ASSOCIATE DEGREE OF APPLIED SCIENCES IN NURSING, HOSPITAL BASED NURSING PROGRAM DIPLOMA, PRACTICAL NURSING EDUCATION PROGRAM OF NOT LESS THAN ONE ACADEMIC YEAR, OR BACCALAUREATE DEGREE IN NURSING (Section 3 of the Law).

"ASSOCIATE DEGREE OR HOSPITAL BASED PROGRAM" MEANS A PROGRAM OFFERED BY AN APPROVED INSTITUTION AND LEADING TO THE ASSOCIATE DEGREE IN NURSING, ASSOCIATE DEGREE OF APPLIED SCIENCES IN NURSING OR HOSPITAL BASED NURSING PROGRAM DIPLOMA (Section 3 of the Law).

"BACCALAUREATE DEGREE PROGRAM" MEANS A PROGRAM OFFERED BY AN APPROVED INSTITUTION AND LEADING TO A BACHELOR OF SCIENCE DEGREE IN NURSING (Section 3 of the Law).

"BOARD" MEANS THE BOARD OF HIGHER EDUCATION CREATED BY THE BOARD OF HIGHER EDUCATION ACT (Section 3 of the Law).

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (Section 3 of the Law).

"DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (Section 3 of the Law).

"ENROLLMENT" MEANS THE ESTABLISHMENT AND MAINTENANCE OF AN INDIVIDUAL'S STATUS AS A STUDENT IN AN APPROVED INSTITUTION, REGARDLESS OF THE TERMS USED AT THE INSTITUTION TO DESCRIBE SUCH STATUS (Section 3 of the Law).

"Fees" means those mandatory charges, in addition to tuition, that all enrolled students

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

must pay, including required course or lab fees.

"Full-time academic work" means enrollment for the number of hours required per term by a school for its full-time students.

"Full-time employment" means at least 24 hours per week for those persons working weekend shifts or 35 hours per week for those working weekday shifts.

"Full-time student" means a student who is enrolled for at least the number of hours required per term by a school for its full-time students.

"Nursing Education Scholarship Law" or "Law" means 110 ILCS 975 (Ill. Rev. Stat. 1991, ch. 144, par. 2751 et seq.).

"Part-time academic work" means enrollment for at least one-third of the number of hours required per term by a school for its full part-time students.

"Part-time employment" means 17.5 hours or more per week.

"Part-time student" means a student who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

"Permanent legal residence" means the applicant's permanent home address.

"Practical Nursing Education Program" means a program offered by an approved institution and leading to a certificate in practical nursing.

"Professional nursing practice" means any type of nursing practice that is included in the definitions of the ~~practice of registered~~ professional nursing and licensed practical nursing in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65].

"Registered nurse" or "professional nurse" or "practical nurse" means holding a valid existing license in good standing as a registered professional nurse or licensed practical nurse issued by the Department of Professional Regulation under the Illinois Nursing Act of 1987.

"School term" means an academic term, such as a semester, quarter, or trimester, as defined by the approved institutions.

"Student in good standing" means a student maintaining at least a "C" average.

"Total and permanent disability" means a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs the ability of an

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

individual to engage in the practice of professional nursing as evidenced by a written statement from the individual's attending physician.

"Tuition" means the established charges of an institution of higher learning for instruction at that institution.

(Source Amended at 18 Ill. _____, effective _____.)

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.110 Application

- a) Application forms are prescribed by the Department and available at financial aid offices and departments of nursing in approved schools, as well as directly from the Department. Applications submitted must include:
 - 1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or state income tax return filed the year prior to application, a copy of a utility bill that includes applicant's name and address from one year prior to the application, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State;
 - 2) proof of applicant's enrollment in or acceptance for admission to an approved practical nursing education program, associate degree nursing education program, hospital-based diploma nursing education program, or baccalaureate degree nursing education program, documented by academic advisor's signature on a form included in the application packet;
 - 3) ~~a copy of applicant's current registered nurse or practical nurse license, if applicable~~
 - 4) a copy of applicant's Student Aid Report (SAR) which is generated from the needs analysis document used to determine Student Aid Methodology Family Contribution (SAM-FC); and
 - 5) proof of applicant's upper 1/2 rank in class upon high school graduation, documented by either high school administrative personnel or the financial office at the college/university where enrolled (form included in the application packet); or, completion of an alternative high school degree program, documented by a General Education Development (GED) Test score reported by the General Educational Development Testing Service, or a GED certificate earned in the top 50 percent of the United States high school graduates, or a copy of the applicant's current practical nurse license, if applicable.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b) Incomplete applications and those received after application deadline will not be considered for scholarship awards. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections may be made during this time period.

(Source: Amended at 18 Ill. _____, effective _____)

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200 Scholarship Description

- a) Scholarships for tuition, fees, and living expenses will be awarded by the Department through approved institutions. Scholarships will be awarded to eligible students who agree to the provisions of the contract and who meet the eligibility requirements as outlined in Section 597.100 of this Part.

- b) A SCHOLARSHIP SHALL BE FOR \$2,500 PER YEAR FOR LIVING EXPENSES FOR THE FULL-TIME STUDENT AND UP TO \$2,000 PER YEAR FOR FULL-TIME TUITION AND FEES, OR A MAXIMUM OF \$4,500 PER YEAR, LESS ANY OTHER STATE OR FEDERAL ASSISTANCE RECEIVED BY APPLICANT TO ASSIST APPLICANT'S PURSUIT OF AN ASSOCIATE DEGREE IN NURSING, OR HOSPITAL BASED nursing PROGRAM DIPLOMA, OR BACCALAUREATE DEGREE IN NURSING, or practical nursing diploma (Section 7 of the Law).

- c) A SCHOLARSHIP MAY BE MADE TO A PART TIME (BUT NOT LESS THAN 1/3 TIME) STUDENT BUT IT SHALL COVER ONLY TUITION AND FEES AND SHALL NO EXCEED THE AGGREGATE OF \$4,000 FOR THE TOTAL TIME APPLICANT MAY TAKE TO COMPLETE THE ASSOCIATE DEGREE nursing education program, OR HOSPITAL BASED PROGRAM IN NURSING, OR BACCALAUREATE NURSING PROGRAM, or practical nursing education program (Section 7 of the Law).

- d) THE FULL-TIME STUDENT APPLICANT MAY RECEIVE A SCHOLARSHIP FOR 3 ACADEMIC YEARS IF PURSUING AN ASSOCIATE DEGREE in nursing OR hospital based nursing program DIPLOMA, AND FOR 4 ACADEMIC YEARS IF PURSUING A BACCALAUREATE IN NURSING DEGREE, and for one year if pursuing a practical nursing diploma (Section 7 of the Law).

- e) The ~~amount of the~~ scholarship is ~~funds~~ paid to an approved institution on behalf of the recipient and is based on tuition/fee amounts requested the ~~payment request form submitted each school term~~ by the financial aid office at the institution up to the annual maximum amount. ~~The recipient's tuition/fee amount less any other federal or State gift assistance is entered on the form as well as the number of hours of enrollment. Tuition/fee amounts are paid according to these figures up to the annual~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~***** and: If enrollment is reported as full-time, a living expense stipend is also paid according to the following definitions:~~

- 1) two (2) semesters are equivalent to an academic year and each semester of full-time enrollment warrants a stipend of \$1,250.
- 2) three (3) quarters or trimesters are equivalent to an academic year and each quarter/trimester warrants a stipend of \$833.

- f) Scholarship awards for tuition and fees for students at private approved institutions shall not exceed the statewide average tuition and fees for students at public approved institutions for the academic year in which the scholarship is made.

(Source: Amended at 18 Ill. _____, effective _____)

Section 597.220 Selection Criteria for Award of Scholarships

- a) Recipients shall be selected on the basis of the following criteria:

- 1) preference for renewal recipients;
- 2) greatest financial need when the number of qualified applicants exceeds the number of scholarships to be awarded; and

- 3) for practical nursing applicants: lottery among applicants who have equal financial need.

- 4) for associate degree, hospital-based diploma, and baccalaureate nursing applicants:

- A) least number of hours remaining to degree completion; and
- B) for applicants within each nursing category, lottery among applicants who have an equal number of hours remaining to degree completion.

- b) AT LEAST 1/2 OF THE SCHOLARSHIPS AWARDED SHALL BE FOR RECIPIENTS WHO SHALL ATTEND STATE SUPPORTED SCHOOLS (Section 5 of the Law).

- c) OF THE 500 SCHOLARSHIPS PROVIDED EACH YEAR, AT LEAST 50 SHALL GO TO PERSONS ENTERING AN APPROVED PRACTICAL NURSING EDUCATION PROGRAM OF NOT LESS THAN ONE ACADEMIC YEAR (Section 5 of the Law). If program funds are not sufficient to provide 500 scholarships, at least 10% of the funding shall go to persons entering an approved

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

practical nursing education program of not less than one academic year.

- d) The Department shall develop and annually revise a scholarship distribution formula that, at a minimum, considers but is not limited to the following:

- 1) THE NUMBER OF PROFESSIONAL NURSES LICENSED IN THE STATE BY THE DEPARTMENT OF PROFESSIONAL REGULATION (Section 10 of the Law).
- 2) THE NUMBER OF PRACTICAL NURSES LICENSED IN THE STATE BY THE DEPARTMENT OF PROFESSIONAL REGULATION (Section 10 of the Law).
- 3) THE NUMBER OF SCHOLARSHIP APPLICANTS PURSUING BACCALAUREATE DEGREE NURSING EDUCATION PROGRAMS, ASSOCIATE DEGREE PROFESSIONAL NURSING EDUCATION PROGRAMS, DIPLOMA PROFESSIONAL NURSING EDUCATION PROGRAMS, AND APPROVED PRACTICAL NURSING EDUCATION PROGRAMS OF NOT LESS THAN ONE ACADEMIC YEAR (Section 10 of the Law).
- 4) THE NUMBER OF STUDENTS ENROLLED IN BACCALAUREATE DEGREE NURSING EDUCATION PROGRAMS, ASSOCIATE DEGREE PROFESSIONAL NURSING EDUCATION PROGRAMS, DIPLOMA PROFESSIONAL NURSING EDUCATION PROGRAMS, AND APPROVED PRACTICAL NURSING EDUCATION PROGRAMS OF NOT LESS THAN ONE ACADEMIC YEAR (Section 10 of the Law).

(Source: Amended at 18 Ill. _____, effective _____)

Section 597.320 Forgiveness of Scholarship

- a) During the 7-year period immediately following recipient's graduation, a scholarship to a recipient shall be excused and deemed satisfied pursuant to the requirements of Section 5 of the Law as follows.

- 1) If a scholarship is provided for full-time academic work, the scholarship is excused when the recipient has documented:
 - A) substantially full-time employment in a professional nursing practice ~~his or her nursing field~~ in Illinois for a number of years equal to the number of years scholarship funds were received; or
 - B) substantially part-time employment in a professional nursing practice

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~his or her nursing field~~ in Illinois for twice the number of years as the number of years scholarship funds were received.

- 2) If a scholarship is provided for part-time academic work, the scholarship is excused when the recipient has documented:
 - A) substantially full-time employment in a professional nursing practice ~~his or her nursing field~~ in Illinois for one-half (1/2) the number of years as the number of years scholarship funds were received; or
 - B) substantially part-time employment in a professional nursing practice ~~his or her nursing field~~ in Illinois for a number of years equal to the number of years scholarship funds were received.
- b) Forms to document the above are sent to the recipient by the Department at the appropriate time according to the date of completion of the degree. When the scholarship is determined to be satisfied, the recipient is officially notified and the record is closed.
- c) IF THE RECIPIENT SPENDS UP TO 4 YEARS IN MILITARY SERVICE BEFORE OR AFTER HE OR SHE GRADUATES, THE PERIOD OF MILITARY SERVICE SHALL BE EXCLUDED FROM THE COMPUTATION OF THAT 7 YEAR PERIOD (Section 6 of the Law).
- d) A RECIPIENT WHO IS ENROLLED IN AN ACADEMIC PROGRAM LEADING TO A GRADUATE DEGREE IN NURSING SHALL HAVE THE PERIOD OF GRADUATE STUDY EXCLUDED FROM THE COMPUTATION OF THAT 7 YEAR PERIOD (Section 6 of the Law).
- e) If a recipient dies or suffers total and permanent disability either while pursuing the degree, or after completing the degree, if the recipient is engaged in any activity as described in this Section up to the onset of the fatal illness or such disability, the scholarship or any balance due on it shall be excused and deemed satisfied.

(Source: Amended at 18 Ill. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers: Adopted Action:
300.20 Amend
- 4) Statutory Authority: Section 3 of the Abused and Neglected Child Reportint Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/31] as amended by Public Act 88-85 effective July 14, 1993.
- 5) Effective Date of Adopted Amendments: June 1, 1994
- 6) Does this rulemaking contain an automatic repeal date: ___ Yes ___ X ___ No
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 1, 1994
- 9) Notice of Proposal Published in Illinois Register:
September 24, 1993 17 Ill. Reg. 15218
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Difference(s) between proposal and final version: Citations were updated, as requested by the Administrative Code Unit.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these adopted amendments replace emergency amendments currently in effect? Yes.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Adopted Amendments: These amendments adopt the revised definition of "neglected child" which was enacted into law.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Name: Jacqueline Nottingham, Chief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1488

Telephone: (217) 524-1983
TDD: (217) 524-3715

- 17) The full text of the adopted amendments are as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 300
 REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2051 et seq.) [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act (Ill. Rev. Stat. 1991, ch. 111, par. 4503) [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13189, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired on February 7, 1994; amended at 18 Ill. Reg. _____, effective JUN 01 1994.

Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment.
 (Ill. Rev. Stat. 1989 1991, ch. 23, par. 2053) [325 ILCS 5/31]

"Caretaker" means the child's parent(s), guardian or custodian with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child care facility" means any person, group of persons, agency, association, or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in Section 2.05 of the Child Care Act and includes foster family homes and day care homes.

"Child Protective Service Unit" (CPS) means certain specialized State employees of the Department assigned by the Director or his designee

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

to perform the duties and responsibilities as provided under this Part. They are also known as investigative staff. (Ill. Rev. Stat. 1989-1991, ch. 23, par 2053) (325 ILCS 5/3)

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include: an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement. (Ill. Rev. Stat. §§99 1991, ch. 23, par. 2053) [325 ILCS 5/3.]

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"Neglected child" means any child who is not receiving the proper or necessary ~~whose parent or other person is responsible for the child's welfare~~ ~~withholds or denies~~ nourishment or medically indicated treatment including food or care not provided ~~denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise~~ is does not receiving provide the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood and urine contains any amount of controlled substance as defined in subsection

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

(f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time as a plan of care. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 253). Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, an operator, supervisor, or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3]

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 18 Ill. Reg. _____, effective JUN 01 1994)

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Relocation Towing
- 2) Code Citation: 92 Ill. Adm. Code 1710
- 3) Section Numbers: Adopted Action:
1710.134 New Amend
1710.170
- 4) Statutory Authority: Implementing Section 18a-100 et seq. and authorized by Section 18a-200 of The Illinois Commercial Transportation Law [625 ILCS 5/18a-100 et seq.].
- 5) Effective Date of Amendment: May 20, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 18, 1994
- 9) Notice of Proposal Published in Illinois Register:
December 17, 1993 at 17 Ill. Reg. 21257

- 10) Has JCAR issued a Statement of Objections to this Amendment?
No

11) Difference(s) between proposal and final version:
Section 1710.134(c) has been changed to specify that a vehicle may not be moved to a secondary storage lot until after 10 days (instead of the proposed three) of its original relocation. Section 1710.134(d) has been changed to specify that a relocater must be able to retrieve any vehicle stored at a secondary lot within 24 hours of the vehicle being reclaimed (the original proposal was "within a reasonable period of time"). Subsection (e) has been added to 1710.134 to specify that no additional storage or transportation fee may be charged for the period of time it takes to retrieve a vehicle from a secondary storage lot.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

The changes specified in the Certificate of No Objection have been incorporated into the rulemaking.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 13) Will this replace an emergency currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment:

The Commission is increasing the purchase price of the Relocation Tow Record Form. The Commission is experiencing an increase in the cost of maintaining a supply of forms as well as the time required to properly audit the forms issued by the relocators. The current \$3 does not adequately support the cost of this operation and will increase to \$5.

In addition, we are adding new language authorizing relocation towers to utilize secondary storage facilities for vehicles which have not been reclaimed within 10 days of the initial relocation to the tower's primary lot. Vehicles are frequently not claimed and the process for obtaining title to the vehicle for disposal as junk is lengthy. In the intervening months, the vehicle sits on the relocater's lot taking up space, which could be utilized for additional vehicles. Allowing the use of secondary lots for the storage of such vehicles, with the provision that a vehicle must be retrievable within a 24 hours should the owner appear to claim it, will alleviate this problem for the industry.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-4869

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
 CHAPTER III: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER d: RELOCATION TOWING

PART 1710
 RELOCATION TOWING

SUBPART A: MISCELLANEOUS PROVISIONS

Section
 1710.10 Definitions

SUBPART B: APPLICATIONS FOR RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
 1710.20 Application Forms
 1710.21 Notice of Applications
 1710.22 Policy on applications

SUBPART C: RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
 1710.30 Licenses Conditioned Upon Compliance
 1710.31 Licenses To Be Carried By Holder
 1710.32 Alteration of Licenses
 1710.33 Relocator's Endorsement of Operator's License

SUBPART D: PROHIBITED ACTIVITIES

Section
 1710.40 Relocating Vehicles From Authorized Spaces
 1710.41 Relocating Vehicles From Private Property Without Authorization From Property Owner
 1710.42 Relocation of Vehicles Not in Accordance with Proper Posting
 1710.43 Relocating Vehicles Where Owner or Driver is Present
 1710.44 Operation of Unsafe Vehicles
 1710.45 Transacting Business at Unauthorized Locations
 1710.46 Posting Signs At Locations Where the Relocator Is Not Authorized To Operate
 1710.47 Certain Types of Compensation to Relocators Prohibited
 1710.48 Compensation to Property Owners and Others

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

SUBPART E: POSTING OF SIGNS

Section
 1710.50 Posting Requirements
 1710.51 Sign Specifications
 1710.52 Removal of Signs

SUBPART F: VEHICLE IDENTIFICATION

Section
 1710.60 Vehicle Identification Requirement

SUBPART G: INSURANCE REQUIREMENTS

Section
 1710.70 Licenses Conditioned Upon Compliance With Insurance Requirements
 1710.71 Proof of Insurance or Bond Coverage
 1710.72 Relocator's Liability

SUBPART H: REQUIRED NOTIFICATIONS

Section
 1710.80 Notification of Law Enforcement Agencies
 1710.81 Notification of the Commission

SUBPART I: BOOKS AND RECORDS

Section
 1710.90 Records of Individual Relocation Tows (Repealed)
 1710.91 Written Authorizations to Relocate/Contracts
 1710.92 Maintenance of Books and Records
 1710.93 Audit and Inspection of Books and Records

SUBPART J: ANNUAL REPORTS

Section
 1710.100 Filing Requirements

SUBPART K: INFORMATION PROVIDED TO THE PUBLIC BY RELOCATORS

Section
 1710.110 Public Information Pamphlets
 1710.111 Informal Complaint Form

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

SUBPART L: RECLAIMING RELOCATED VEHICLES

Section
1710.120 Conditions Under Which Vehicles Are To Be Released
1710.121 Identification of Vehicle Owner or Driver
1710.122 Payment of Fees and Charges
1710.123 Hours During Which Vehicles May Be Reclaimed

SUBPART M: STORAGE LOTS

1710.130 Ownership and Identification of Storage Lots
1710.131 Security of Storage Lots
1710.132 Attendance at Storage Lots
1710.133 Maintenance of Records at Storage Lots
1710.134 Secondary Storage Lots

SUBPART N: ENFORCEMENT

Section
1710.140 Revocation of Licenses

SUBPART O: LEASING

Section
1710.150 Adoption by Reference of Leasing Requirements
1710.151 Supervision and Control of leased Equipment with Drivers
1710.152 leases to be Exclusive

SUBPART P: FEES

Section
1710.160 Fees

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section
1710.170 Relocation Tow Record Form
1710.171 Use and Retention of Relocation Tow Record Forms
1710.172 Public Notice

AUTHORITY: Implementing Section 18a-100 and authorized by Section 18a-200 of the Illinois commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-100 et seq., 1992].

SOURCE: Adopted at 3 Ill. Reg. 22, p. 49, effective May 28, 1979; amended at 7 Ill. Reg. 4142, effective April 1, 1983; codified at

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

8 Ill. Reg. 8912; Part recodified at 10 Ill. Reg. 18012; old Part repealed and new Part adopted at 11 Ill. Reg. 17718, effective October 15, 1987; peremptory amendment at 12 Ill. Reg. 1630, effective December 23, 1987; amended at 14 Ill. Reg. 10310, effective July 1, 1990; amended at 18 Ill. Reg. _____, effective MAY 20, 1994.

Section 1710.134 Secondary Storage Lots

A licensed relocater may utilize secondary storage lots for the storage of unclaimed vehicles subject to the following conditions:

- a) any such lot must be owned by or under written lease for the exclusive use of the relocater; and
- b) the relocater must have notified the Commission of the location of all such lots prior to the use of such lots;
- c) a vehicle may not be moved to a secondary storage lot unless it has remained unclaimed for a period of ten (10) days from the date of relocation to the relocater's primary storage lot;
- d) the relocater shall be required to retrieve within 24 hours any vehicle stored at a secondary lot upon proper reclaiming of such vehicle in accordance with Section 1710.120 of this Part; and
- e) the relocater may not charge a vehicle owner any storage or transportation charge for the period of time necessary to retrieve a vehicle stored at a secondary lot.

(Source: Added at 18 Ill. Reg. _____, effective MAY 20 1994)

Section 1710.170 Relocation Tow Record Form

- a) A Relocation Tow Record form purchased from the Commission must be completed for each relocated vehicle is performs, whether or not the relocated vehicle is subsequently reclaimed. The form will consist of an original and two copies. Each form will be identified by a serial number, which will also be printed on the copies.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- b) The forms will be available only at the Commission's office at 188 Industrial Drive, Suite 232, Elmhurst, Illinois 60126, (708) 530-6700. The forms may be ordered from the Commission by sending a written request specifying the number of forms desired along with payment, or may be obtained in person during normal business hours.
- c) The price charged for the forms shall be ~~three~~ five dollars (~~\$3.00~~ \$5.00) per form.

(Source: Amended at 18 Ill. Reg. , effective ~~MAY 20 1994~~)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Freedom of Information
- 2) CODE CITATION: 2 Ill. Adm. Code 826
- 3) SECTION NUMBERS: ADOPTED ACTION:
 826.10 Amendments
 826.110 Amendments
 826.210 Amendments
 826.220 Amendments
 826.410 Amendments
 826.420 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by the Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, pars. 201 et seq.) [5 ILCS 140/1 et seq.].
- 5) EFFECTIVE DATE OF AMENDMENTS: MAY 31 1994
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: May 24, 1994
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: Not Applicable - Not subject to First Notice.
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: Not subject to JCAR's review.
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: Not Applicable - Not subject to First Notice.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Not subject to JCAR's review.
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This is a Department of Conservation internal rule. Amendments remove unnecessary language, raise copying fee to \$.35 per page to comply with State Records Act Reproduction Fee; waive fee for 3 or less pages; adds language to charge requestor commercial fee for copies of blueprints and special materials.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER IV: DEPARTMENT OF CONSERVATION

PART 826
FREEDOM OF INFORMATION
SUBPART A: INTRODUCTION

Section
826.10
826.20

Summary and Purpose
Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
826.110
826.120

Submission of Requests
Form and Content of Requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
826.210
826.220

Timeline for Department Responses
Types of Department Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
826.310
826.320

Appeal of a Denial
Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
826.410
826.420

Inspection of Records at Department Offices
Copies of Public Records

EXHIBIT A
EXHIBIT B
EXHIBIT C
EXHIBIT D
EXHIBIT E
EXHIBIT F

Request for Public Records
Deferral of Response to Request for Public Records
Approval of Request for Public Records
Partial Approval of Request for Public Records
Denial of Request for Public Records
FOIA Appeal: Executive Director's Response

AUTHORITY: Implementing and authorized by the Freedom of Information Act (Ill. Rev. Stat. 1985-1991, ch. 116, pars. 201 et seq.) [5 ILCS 140/1 et seq.].

SOURCE: Adopted at 11 Ill. Reg. 18641, effective November 2, 1987; amended at 18 Ill. Reg. _____, effective MAY 3 1994.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: INTRODUCTION

Section 826.10 Summary and Purpose

These rules are established to implement the provisions of the Freedom of Information Act (Ill. Rev. Stat. 1985/1991, ch. 116, par. 201 et seq.) [5 ILCS 140/1 et seq.]. The purpose of these rules is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAY 3 1 1994)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 826.110 Submission of Requests

- a) Requests for Public Records except requests for the Department's brochures, books, or other informational material it has prepared for general distribution to the public, shall be submitted to the following address:

Freedom of Information Officer
Department of Conservation
524 S. Second Street
Springfield, IL 62706

- b) Requests for the Department's brochures, books, or other informational material prepared for general distribution pertaining to Department programs, activities, facilities and natural resource topics may be made by contacting the Public Information Division Office of Resource Marketing and Education at (217) 782-7454 or by writing to this Division at:

Public Information Division
Office of Resource Marketing and Education
Department of Conservation
524 S. Second Street
Springfield, IL 62706

(Source: Amended at 18 Ill. Reg. _____, effective _____
MAY 3 1 1994)

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE TO REQUESTS FOR PUBLIC RECORDS

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Section 826.210 Timeline for Department Responses

- a) The Department shall respond to a written request for public records within 7 working days after the receipt of such request.
- b) The Department may give notice of an extension of time to respond. (See Exhibit B). ~~Extensions shall not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working days. Such an extension is allowable only if written notice is provided to the requestor within 7 working days of the receipt of the request and only for the reasons in Section 3(a) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary and the date by which the records will be made available or a denial will be forthcoming.~~

(Source: MAY 3 1 1994 Amended at 18 Ill. Reg. _____, effective _____)

Section 826.220 Types of Department Responses

- a) The Department shall respond to a request for public records in one of three ways:

- 1) Approve the request;
- 2) Approve in part and deny in part; or
- 3) Deny the request.

- b) Upon approval of a request for public records, the Department may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records. (See Exhibit C).

- c) A denial of a request for public records shall be made in writing. ~~It shall state the reasons for a denial in accordance with either Section 3(f) or Section 7 of the FOIA and the name and title of individual responsible for the decision. It shall also give notice of the requestor's right to appeal to the Director of the Department. (See Exhibits D and E).~~

- d) Categorical requests creating an undue burden upon the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Department shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.

- e) Failure to respond to a written request within 7 working days may be considered by the requestor a denial of the request.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 3 1994)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS
TO REQUESTORS

Section 826.410 Inspection of Records at Department Offices

- a) Generally, public records will be made available for inspection during normal working hours of the Department at the office of the Freedom of Information Officer.

- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Department employees.

- c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of convenience, either the Department or the requestor may request require that inspection take place in another Department office location.

- d) An employee of the Department may shall be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 3 1994)

Section 826.420 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

- b) Charges shall be waived if the requestor is a State Agency, a constitutional officer, or a member of the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest.

- c) Charges for copies of public records shall be assessed in accordance with the following fee schedule:

- 1) \$.40/\$.35 per page of material copied for the requesting party. No charge if 3 pages or less.

- 2) Materials processed from Electronic Data Processing (EDP) sources and made available on magnetic tape, microfiche or hard copy (printed listings, labels, etc.). Factors that would be considered are files accessed, volume requested, special processing required, output media requested and age of records.

- 3) Cost for copies for blueprints and special materials shall be assessed by the following procedure at the cost to the Department for commercial copying:

A) ~~Blueprints: The rate schedule is based on the number of square feet. Minimum charge = \$1.00 for up to two 24" x 36" sheets, or 12 square feet.~~

50 sq. ft. = \$4.25 or \$.085/sq. ft.
100 sq. ft. = \$8.32 or \$.082/sq. ft.
150 sq. ft. = \$12.44 or \$.082/sq. ft.
200 sq. ft. = \$16.32 or \$.081/sq. ft.
250 sq. ft. = \$20.00 or \$.08/sq. ft.
750 sq. ft. = \$60.00 or \$.08/sq. ft.

B) ~~Another type of copying is for a person desiring to have the capability to make multiple copies from his own original of a department map, etc., on a machine that will not reproduce from a paper copy.~~

Examples:

1' x 2' = \$2.20
2' x 2' = \$4.40
1' x 3' = \$6.60
2' x 3' = \$6.60

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 4) ~~Information printed for general distribution to the public (park brochures, etc.) shall be sent free of charge if less than 10 copies are requested.~~

(Source: Amended at 18 Ill. Reg. _____, effective
~~MAY 3 1 1994~~)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Squirrel Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 690
- 3) SECTION NUMBERS: ADOPTED ACTION:
 690.10 Amendments
 690.20 Amendments
 690.30 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) EFFECTIVE DATE OF AMENDMENTS: MAY 3 1 1994
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: May 24, 1994
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 11, 1994, 18 Ill. Reg. 3193
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
 In the Authority Note, the comma following "2.28" was removed.
 In Section 690.10, a closing parenthesis was added prior to the period at the end of the sentence.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments replace the northern and southern hunting zones with a statewide season, update sites open to hunting and update site specific information.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 690

SQUIRREL HUNTING

Section	Hunting Zones Seasons
690.10	Statewide Regulations
690.20	Regulations at Various Department-Owned or -Managed Sites
690.30	

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective MAY 3 1994.

Section 690.10 Hunting Zones Seasons

a) The Southern Zone is as follows: That portion of Illinois south of U.S. Route 36 (New Rt. 36) from the Indiana State line west to Springfield; west of State Route 29 from Springfield to Pekin; south of State Route 9 from Pekin west to Dallas City and due west to the Mississippi River.

b) The Northern Zone covers the remainder of the state.

Season dates: August 1 through December 31 (except closed during firearm deer seasons, as set by 17 Ill. Adm. Code 650, in those counties open to firearm deer hunting).

(Source: Amended at 18 Ill. Reg. _____, effective MAY 3 1994)

Section 690.20 Statewide Regulations

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- a) Fox squirrels and gray squirrels (including their black color phase) are the only tree squirrels that may be hunted or taken.
- b) Southern-zone-season--dates--August--1--through--December--31--(except closed-during-firearm-deer-seasons--as-set-by-17-111-Adm--Code-6507--closed--during--firearm-deer-seasons--September--1--through--December--31--(except closed--during--firearm-deer-seasons--as-set-by-17-111-Adm--Code-6507--in-those-counties-open-to-firearm-deer-hunting):
- d) Hunting-hours--Sunrise-until-sunset:
- e) Daily limit: 5 fox and gray (including their black color phase)7 squirrels, singly or in combination.
- f) Possession limit: 10 fox and gray (including their black color phase) squirrels, singly or in combination, except on opening day of the season when only 5 squirrels may be in possession.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 3 1994)

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):
 Anderson Lake Conservation Area

Argyle Lake State Park

Big Bend Conservation Area

Big River State Forest

* Cache River State Natural Area (bottle-Black-Stough-Hunting-Area)

Cache-River-State-Natural-Area-(Bower-Cache-River-Hunting-Area)

* Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

* Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)

* Chauncey-Marsh-(permit-required,may-be-obtained-at--Red--Hills State-Park-headquarters;no-hunting-in-dedicated-Nature-Preserve;

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

~~must-return-permit-by-February-15~~

* Crawford County Conservation Area

* Dog Island Wildlife Management Area

Eidon Hazlet State Park (North north of Allen Branch and west of Peppenhorst Branch; north of Allen Branch only has a check station)

* Fort de Chartres Historic Site (hunting with muzzleloading firearms or bow and arrow)

Fort Massac State Park (east of Massac Creek only)

Green River State Wildlife Area (Lee County Conservation Area) (September 6 - October 31)

I-24 Wildlife Management Area

* Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)

Kickapoo-State-Park--(free-permit--required;--obtain-from-site officer;hunters-must-return-permit-and-report-harvest-by-February 15-or-hunting-privileges-for-following-year-will-be-forfeited)

Kidd Lake State Natural Area

* Kinkaid Lake Fish and Wildlife Area

* Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no handguns)

Mackinaw State Fish and Wildlife Area (September 1 - October 14)

* Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)

Marshall State Fish and Wildlife Area

* Mermet Lake Conservation Area (from opening day through the day before the opening of the duck season)

Middle-Park-Fish-and-Wildlife-Area--(free-permit-required;--obtain from--site--officer;hunters-must-return-permit-and-report-harvest by-February-15-or-hunting-privileges-for-following-year-will-be forfeited)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- * Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26
- * Oakford Conservation Area
- * Panther Creek Conservation Area
- * Pike County Conservation Area (no hunting after November 30 in Area A; no hunting after December 15 in Area C)
- * Ramsey Lake State Park
- * Randolph County Conservation Area
- * Red Hills State Park
- * Rend Lake Project Lands and Waters
- * Saline County Conservation Area (North of the township road)
- * Sam Dale Lake Conservation Area
- * Sam Parr Fish and Wildlife Area
- * Sand Ridge State Forest (from opening day through the day before the opening of the rabbit hunting season; hunters must sign out at the hunter check station)
- * Sangamon County Conservation Area
- * Sanganois Conservation Area
- * Shawnee-National-Forest-Elmer-Scatters
- * Shawnee National Forest, Oakwood Bottoms (non-toxic shot only)
- * Site M (Season--dates--and--additional--regulations--will--be--as announced--by--the-Department--hunting-is-permitted-in-designated areas-only; parking is permitted at designated parking areas only; hunters must sign in and sign out at the hunter check station)
- * Stephen A. Forbes State Park
- * Sunspot Mine (Fulton and Schuyler Counties)
- * Tapley Woods State Natural Area (closed--during--fall--firearm turkey--season)
- * Ten Mile Creek State Fish and Wildlife Area (permit required;

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- areas designated as Refuge are closed to all access during Canada Goose Season only; ~~windshield--cards--must--be--displayed--on dashboard--of--vehicle~~; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)
- * Trail of Tears State Forest
- * Turkey Bluffs State Fish and Wildlife Area
- * Washington County Conservation Area
- * Weinberg-King State Park
- * Wildcat Hollow State Forest
- * Witkowsky State Wildlife Area (season opens November 1)
 - d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:
 - Ferne Clyffe State Park
 - Giant City State Park
 - Hamilton County Conservation Area
 - Pere Marquette State Park
 - Pyramid State Park
 - Saline County Conservation Area (south of Township Road)
 - Siloam Springs State Park
 - e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):
 - Castle Rock State Park; September 1 - October 15
 - Chain O'Lakes State Park (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)
 - Horseshoe Lake Conservation Area, Alexander County Public Goose Hunting Area, August 1 - October 15; other portions of Public Hunting Area open during statewide season
- * Iroquois County Conservation Area; September 1 - 30

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Johnson Sauk Trail State Park; September ~~15~~¹⁶ - 30

Jubilee College State Park; September 1 - 30 (Sunrise - 4:00 p.m.)

Kankakee River State Park; September 1 - 30

Moraine View State Park; September 1 - day before opening of site's permit pheasant season (Sunrise - 4:00 p.m.)

Silver Springs State Park; September 1 - 30 in Areas B and C; harvest must be reported before leaving the site; daily quota filled on first-come, first-serve basis

Spring Lake Conservation Area; September 10 - 30 (Sunrise - 4:00 p.m.)

- * Union County Conservation Area - Public Goose Hunting Area; August 1 - October 15; other portions of Public Hunting Area open during statewide season

Woodford County Conservation Area; September 1-30

- f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

- * Chauncey Marsh (permit may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve)

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

- * Fox Ridge State Park (no handguns)

- * Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)

- * Kickapoo State Park

- * Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

Middle Fork Fish and Wildlife Area

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Mt. Vernon Propagation Center (August 1 September 30; sunrise to 12:00 Noon; site permit required; report by October 15 or lose hunting privileges the following year)

(Source: ~~Amended~~ **MAY 1 1994** 18 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Affordable Housing Bond Program

2) Code Citation: 47 Ill. Adm. Code 365

3) Section Numbers: Adopted Action:

365.101 New Section
 365.102 New Section
 365.103 New Section
 365.104 New Section
 365.105 New Section
 365.106 New Section
 365.107 New Section
 365.108 New Section
 365.109 New Section
 365.110 New Section
 365.111 New Section
 365.112 New Section
 365.113 New Section
 365.114 New Section
 365.115 New Section
 365.201 New Section
 365.202 New Section
 365.203 New Section
 365.204 New Section
 365.301 New Section
 365.302 New Section
 365.303 New Section
 365.304 New Section
 365.305 New Section
 365.401 New Section
 365.402 New Section
 365.403 New Section
 365.404 New Section
 365.405 New Section
 365.501 New Section
 365.502 New Section
 365.503 New Section
 365.504 New Section
 365.505 New Section
 365.506 New Section
 365.507 New Section
 365.508 New Section
 365.601 New Section
 365.602 New Section
 365.603 New Section
 365.604 New Section
 365.701 New Section
 365.702 New Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

365.703 New Section
 365.704 New Section
 365.801 New Section
 365.901 New Section
 365.1001 New Section
 365.1002 New Section
 365.1101 New Section
 365.1102 New Section
 365.1103 New Section
 365.1104 New Section
 365.1201 New Section
 365.1202 New Section
 365.1203 New Section
 365.1204 New Section
 365.1205 New Section

4) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

5) Effective Date of Rules: MAY 25 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 22, 1993

9) Notice of Proposal published in Illinois Register:

January 28, 1994, 18 Ill. Reg. 956/1596

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Pursuant to memorandum from Administrative Code Division dated March 15, 1994 and the Agreement Letter between JCAR and the Authority, the Authority made a series of substantive, technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Yes

13) Will this rule replace an emergency rule currently in

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 365

AFFORDABLE HOUSING BOND PROGRAM

SUBPART A: GENERAL RULES

Section
365.101
365.102
365.103
365.104
365.105
365.106
365.107
365.108
365.109
365.110
365.111
365.112
365.113
365.114
365.115

Authority
Purpose and Objectives
Definitions
Borrowing by the Authority
Compliance with Law
Standards
Authority Determinations
Forms and Procedures for the Program
Fees and Charges of the Authority
Waiver
Amendment
Severability
Gender and Number
Titles and Captions
Calendar Days

SUBPART B: ELIGIBILITY

Section
365.201
365.202
365.203
365.204

Eligible Activities
Market Rate Developments
Eligible Mortgageors Who May Receive Loans
Land Trusts

SUBPART C: APPLICATION

Section
365.301
365.302
365.303
365.304
365.305

Application
Site and Market Study
Staff Recommendation to the Advisory Commission
Authority Determination
Conditional Commitment

SUBPART D: NOTICE OF PROPOSED MULTI-FAMILY DEVELOPMENTS

Section
365.401
365.402
365.403
365.404

Applicability and Purpose of Notification
Notification by Authority
Comments and Responses
Compilation of Comments and Responses

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

365.405
Hearings

SUBPART E: OWNER OF MULTI-FAMILY PROJECTS

Section
365.501
365.502
365.503
365.504
365.505
365.506
365.507
365.508

Eligible Mortgageors
Organizational Documents
Books and Records
Audits
Annual Financial Report
Furnishing Information
Standards for Approval of Conveyance
Purchase of Authority Bonds and Notes

SUBPART F: MORTGAGE LOANS TO DEVELOPMENTS

Section
365.601
365.602
365.603
365.604

Maximum Loan Amount for Developments
Maturity of Loans
Recapture of Assistance
Prepayment of Loan

SUBPART G: RETURN ON EQUITY

Section
365.701
365.702
365.703
365.704

Statutory Authorization Establishing Rate of Return
Equity and Distributions
Development Funds and Property
Reserve Fund for Replacements

SUBPART H: CONSTRUCTION

Section
365.801

Design and Construction Standards

SUBPART I: ENERGY EFFICIENCY

Section
365.901

Standards

SUBPART J: CERTIFICATIONS

Section
365.1001
365.1002

Environmental Assessment
Other Laws

SUBPART K: MARKETING AND MANAGEMENT

Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

365.1101 Marketing and Management
 365.1102 Marketing and Management Plans
 365.1103 Maintenance
 365.1104 Cost of Service

SUBPART L: TENANTS AND OCCUPANCY

Section
 365.1201 Displacement
 365.1202 Relocation Plan
 365.1203 Tenant Selection Plan
 365.1204 Income and Rent Limits
 365.1205 Commercial Facilities

AUTHORITY: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

SOURCE: Emergency Rules adopted at 18 Ill. Reg. 1596, effective January 12, 1994, for a "MAY 25 1994" 150 days; adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 365.101 Authority

This Part is authorized by and implemented pursuant to the Illinois Housing Development Act [20 ILCS 3805] and the Illinois Affordable Housing Act [310 ILCS 65] and shall govern the Program.

Section 365.102 Purpose and Objectives

This Part is established to accomplish the general purposes of the Act and the Affordable Housing Act and in particular the making of mortgages or other loans from the proceeds of Bonds or Notes to be issued by the Authority pursuant to the Act to acquire, construct, preserve, improve, renovate, rehabilitate, maintain, finance, refinance and assist Affordable Housing, including, without limitation, Financially Troubled Developments.

Section 365.103 Definitions

As used in this Part, words and phrases defined in the Act shall have the meanings ascribed to them therein. In addition, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Advisory Commission": The Illinois Affordable Housing Advisory Commission, established by and acting pursuant to Section 6(a) of the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Affordable Housing Act.

"Affordable Housing": Residential housing that, so long as the same is fully or partially occupied by Low-Income Households or Very Low-Income Households, requires payments of monthly housing costs, including charges to such households for heat, electricity and water, of no more than 30% of the maximum allowable income as stated for such households as set forth in Section 365.1204(b)(1) and (2) of this Part.

"Affordable Housing Act": The Illinois Affordable Housing Act [310 ILCS 65].

"Applicant": The person or entity applying for a Loan from the Program.

"Application": An application for a Loan.

"Assistant Director": The Assistant Director of the Authority.

"Authority": The Illinois Housing Development Authority.

"Bonds": The bonds issued by the Authority pursuant to the Act from time to time to finance the Program, including bonds issued from time to time to replace or refund Bonds or Notes previously issued.

"BSPRA": The builders'/sponsors' profit and risk allowance, if any, given to an Owner against the Equity requirements for a Loan. BSPRA shall not exceed an amount equal to ten percent (10%) of the total estimated replacement cost of the Development.

"Chairman": The Chairman of the Authority.

"Clearinghouse": The person in the Office of the Governor designated by the Governor of the State to provide notice to appropriate State and local agencies of proposed Developments.

"Commercial Tenant": Any entity leasing commercial facilities in a Development.

"Construction Completion Date": The date that construction or rehabilitation of a Development is substantially completed, as determined in writing by the Authority.

"Cost Certification Cutoff Date": The last day of the month in which the Construction Completion Date falls.

"Cumulation Date": The date from which an Owner's right to make Initial Distributions shall begin cumulating, which date shall be the Initial

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Closing Date.

"Cumulative Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution unpaid but cumulated by an Owner in a prior fiscal year.

"Current Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution earned by an Owner in a current fiscal year.

"Deputy Director": The Deputy Director of the Authority.

"Development": A multi-family housing project made up of five or more units consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Development Funds": All cash, rent subsidies, gross Development income, bank accounts, certificates of deposit, trust funds, reserves, escrows, accounts receivable, and other such assets of a Development, excluding security deposits which, pursuant to contract, an Owner may be required to return to a Tenant.

"Director": The Director of the Authority.

"Distribution": Any withdrawal or taking of Surplus Cash and/or Residual Receipts, including segregation of amounts of Surplus Cash and/or Residual Receipts for subsequent withdrawal, for payment to or on behalf of an Owner pursuant to the Authority's written authorization of such Distribution or any transfer of Development property to or on behalf of an Owner.

"Eligible Mortgagor": Any Limited-Profit Entity or Nonprofit Corporation, or any Illinois land trust the sole beneficiary of which is a Limited-Profit Entity or Nonprofit Corporation, but only if such Eligible Mortgagor's ownership of the Development (including any partnership interest or stock ownership interest in such Mortgagor), or such beneficiary's interest in such Illinois land trust (including the ownership of any partnership interest or stock ownership interest in such beneficiary), shall not cause any tax-exempt Bonds, if any, used to finance the Development to become taxable for federal income tax purposes and the organizational documents of such Mortgagor or such beneficiary referred to in Section 365.502 of this Part at all times are in compliance with (or such Mortgagor or beneficiary has executed a written agreement meeting) the requirements of Section 365.502 of this Part.

"Equity": The amount of funds provided by Owner for a Development, including an allowance for BSPPA, as determined by the Authority in its sole discretion.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

"Final Closing Date": The date on which the Authority issues its final closing memorandum.

"Financially Troubled Development": A Development financed by a Loan from the Program which subsequently fails to meet its Mortgage obligations.

"Initial Closing Date": The date on which the Authority issues its initial closing memorandum.

"Limited-Profit Entity": Any individual, joint venture, partnership, limited partnership, trust or corporation organized or existing under the laws of the State or authorized to do business in the State (including, without limitation, a limited liability company) and having articles of incorporation or comparable documents of organization (or a written agreement with the Authority) which, in addition to meeting other requirements of law, meets the requirements of Section 2(k) of the Act.

"Loan": The loan financed through the Program made by the Authority to a Mortgagor to be used in connection with a Development.

"Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437).

"Members": The Members of the Authority.

"Mortgage": The mortgage, or other instrument in the nature of a mortgage, and all other security documents encumbering a Development, together with supplements thereto and modifications or amendments thereof.

"Mortgage Note": The document executed as evidence of a Mortgagor's indebtedness under a Loan secured by a Mortgage, and any supplements thereto and modifications or amendments thereof.

"Mortgagor": The Limited-Profit Entity, Nonprofit Corporation or Trustee for either entity, holding title to a Development who has executed and delivered to the Authority a Mortgage.

"Nonprofit Corporation": A not-for-profit corporation incorporated pursuant to the provisions of the Illinois General Not-for-Profit Corporation Act of 1986 (805 ILCS 105) or the State Housing Act (310 ILCS 5) and having articles of incorporation or a written agreement

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

with the Authority which, in addition to meeting other requirements of law, meet the requirements of Section 2(m) of the Act.

"Notes": The notes issued by the Authority pursuant to the Act from time to time to finance the Program.

"Owner": The Limited-Profit Entity or Nonprofit Corporation holding title to Real Estate or a Development or, when such Real Estate or the Development is held in an Illinois land trust, the Limited-Profit Entity or Nonprofit Corporation owning the entire beneficial interest in a Trust. Under no circumstances shall Owner mean the Authority or a Trustee.

"Part": This Part 365.

"Program": The Illinois Affordable Housing Bond Program.

"Real Estate": The real property upon which a Development is to be or has been constructed.

"Residual Receipts": Any Surplus Cash remaining as of the end of an annual fiscal period after the deduction of the amount of any repayment of any subordinate loans, if any, evidenced by a note to be repaid from Surplus Cash and all Distributions from Surplus Cash.

"Resolution": Any resolution or indenture adopted by the Authority pursuant to the Act authorizing the issuance of Bonds or Notes and setting forth the general terms and conditions under which the Authority may issue, deliver and sell Bonds and Notes, as amended and supplemented from time to time.

"Rules": The rules and regulations of the Authority as amended from time to time.

"Series Resolutions": The series resolutions adopted by the Authority from time to time pursuant to the Act and the Resolution authorizing the issuance of a series of Bonds or Notes.

"Staff": The Director, Deputy Director, Assistant Director and the other employees of the Authority.

"State": The State of Illinois.

"Surplus Cash": That part of Development income, calculated on an accrual basis of accounting remaining as of the end of a fiscal year after deductions for expenses, reserves, escrows and other similar items have been made in accordance with priorities established by the Authority in writing.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

"Tenant": The person, family or unrelated persons leasing a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust (if any) which holds legal title to a Development.

"Trustee": The trustee of a Trust.

"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Trust Fund Moneys": All moneys, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 5 of the Affordable Housing Act and any proceeds, investments or increase thereof.

"Utility Allowance": The cost of electricity, heat and water based on reasonable consumption of these utilities.

"Very Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437).

Section 365.104 Borrowing by the Authority

To the extent allowed by the Act, and in the manner determined by the Authority, the Authority may borrow funds with which to make Loans or incur other obligations under the Program.

Section 365.105 Compliance with Law

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with applicable Federal law. Whenever reference is made in this Part to applicable law, statute, rule or regulation, the same shall be construed to mean the law, statute, rule or regulation in effect at the time of reference.

Section 365.106 Standards

In administering the Program, the Authority, the Chairman and the Staff shall, in the exercise of discretion, consider, in addition to the criteria specifically set forth: the purposes of the Program to provide decent, safe,

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

and sanitary multi-family rental housing; the requirements of applicable State and Federal law; the financial condition and previous experience of the Applicant and potential participating Owners; the Authority's ability to purchase or redeem any Notes or Bonds and to comply with the requirements of the Resolution and the applicable Series Resolutions authorizing any Notes or Bonds; the Authority's ability to comply with the terms and provisions of any Notes or Bonds; the financial integrity of the Program; the housing needs of the State; architectural and construction quality; preservation of the value of the Development as security for a loan; the ability of the Owner to repay a loan out of Development income; the desirability of achieving a reasonable geographic distribution of Developments throughout the State; the number of units reserved for Low-Income Households and Very Low-Income Households; the heterogeneous mix of Tenants; the standards and practices of a prudent lender; the requirements of local housing codes and zoning laws; specific standards set forth in Authority agreements and documents; or any other factors relevant under the circumstances. The Authority shall give preferential consideration to Developments which will be newly constructed or substantially rehabilitated. Except as permitted in Section 365.601(c), the Authority shall not refinance any existing Development unless, in connection with the making of such loan, the Development shall be transferred to an Owner who is not affiliated with a prior Owner.

Section 365.107 Authority Determinations

Whenever, pursuant to this Part, a determination, election or approval may be made by the Authority, such determination, election or approval unless otherwise expressly stated herein shall be at the Authority's sole discretion.

Section 365.108 Forms and Procedures for the Program

The Staff may prepare, use, supplement and amend such forms, agreements and other documents and such procedures as it may determine to be necessary or desirable for the purposes of implementing the Program, all as may be prescribed by the Director, or, in the Director's absence, the Deputy Director or Assistant Director.

Section 365.109 Fees and Charges of the Authority

In connection with the Program, the Authority may establish and collect such fees and charges as may be established by the Authority from time to time. Such fees and charges may be paid from the proceeds of Notes or Bonds issued by the Authority. Such fees and charges may be used by the Authority for its general corporate purposes, including costs of administering the Program. Such fees and charges may be waived at the Authority's election, may vary from Development to Development, and may vary from time to time. In making such an election, the Authority may consider the Authority's costs in underwriting the proposed Development, costs of administering the Program, the financial condition of the Development, and other factors the Authority deems relevant.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Section 365.110 Waiver

By resolution, the Members may authorize the Director to waive or vary particular provisions of this Part to conform with the requirements of applicable State or Federal law or to conform with the determination of the Authority that the application of such provisions may result in undue hardship or produce an unreasonable result.

Section 365.111 Amendment

This Part may be supplemented, amended, or repealed by the Members, from time to time and in such manner as the Members may determine. This Part shall not constitute or create any contractual rights.

Section 365.112 Severability

If any clause, sentence, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, subsection, Section, or Subpart hereof to which such judgment is rendered.

Section 365.113 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

Section 365.114 Titles and Captions

Titles and captions of Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

Section 365.115 Calendar Days

Days shall mean calendar days. Due dates falling on a Saturday, Sunday, or legal State or Federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday, or a legal State or Federal holiday.

SUBPART B: ELIGIBILITY

Section 365.201 Eligible Activities

- a) Any Trust Fund Moneys transferred to the Authority pursuant to Section 8(b) of the Affordable Housing Act, or otherwise obtained, paid to or held by or for the Authority, or pledged pursuant to a resolution of the Authority, for the Bonds or Notes under the Act, and all proceeds, payments and receipts from investments or use of such moneys, including any residual or additional funds or moneys generated or obtained in connection with any of the foregoing, may be held,

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

pledged, applied or dedicated by the Authority as follows:

- 1) as required by the terms of any pledge of or Resolution of the Authority authorized under the Affordable Housing Act in connection with Bonds or Notes issued pursuant to the Act;
- 2) to or for:

A) costs of issuance and administration and the payments of any principal, interest, premium or other amounts or expenses incurred or accrued in connection with Bonds or Notes, including rate protection contracts and credit support arrangements pertaining thereto;

B) the Authority's expenses and servicing, administration and origination fees and charges in connection with any Loans, Mortgages, or Developments funded or financed or expected to be funded or financed, in whole or in part, from the issuance of Bonds or Notes, provided that such expenses, fees and charges are obligations, whether recourse or nonrecourse, and whether financed with or paid from the proceeds of Bonds or Notes, of the Owner, Mortgagors or other users;

- 3) to or for costs of issuance and administration and the payments of principal, interest, premium, loan fees, and other amounts or other obligations of the Authority, including rate protection contracts and credit support arrangements pertaining thereto, for loans, commercial paper or other notes or bonds issued by the Authority pursuant to the Act, provided that the proceeds of such loans, commercial paper or other notes or bonds are paid or expended in connection with, or refund or repay, loans, commercial paper or other notes or bonds issued or made in connection with bridge loans or loans for the construction, renovation, redevelopment, restructuring, reorganization of Affordable Housing and related expenses, including development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including a Financially Troubled Development, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Authority through the issuance of or use of proceeds from Bonds or Notes;

4) to or for direct expenditures or reimbursement for Development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including Financially Troubled Developments, permanent or other financing which has been funded or financed or is expected to be funded or financed in whole or in part by the Authority through the issuance of or use of proceeds from Bonds or Notes; and

- 5) for deposit into any residual, sinking, reserve or revolving fund or pool established by the Authority, whether or not pledged to secure Affordable Housing Program Bonds or Notes, to support or

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

be utilized for the issuance, redemption, or payment of the principal, interest, premium or other amounts payable on or with respect to any existing, additional or future Bonds or Notes, or to or for any other expenditure authorized by the Act or the Affordable Housing Act.

- b) All or a portion of the Trust Fund Moneys on deposit or to be deposited in the Trust Fund not already certified for transfer or transferred to the Authority pursuant to the Affordable Housing Act may be used to secure the repayment of Bonds or Notes or otherwise to supplement or support Affordable Housing funded or financed or intended to be funded or financed, in whole or in part, by Bonds or Notes.

Section 365.202 Market Rate Developments

Pursuant to Section 10(d) of the Affordable Housing Act and to Sections 4 and 12 of the Act, the Authority may make Loans for Developments which are to be occupied partly by Low-Income Households or Very Low-Income Households provided that the number of units to be occupied by Low-Income Households or Very Low-Income Households shall be acceptable to the Authority in its sole discretion, and shall be in compliance with any Federal law and the regulations promulgated thereunder, if applicable. A minimum of 10% of the units in any Development must be set aside for Very Low-Income Households. A minimum of 20% of the units in any Development must be set aside for Very Low-Income and Low-Income Households; provided, however, that the majority of moneys appropriated to the Trust Fund in any given year, including moneys transferred and certified for transfer in such year for the purposes and uses specified in Sections 8(c) and 9 of the Affordable Housing Act will be used for Affordable Housing for Very Low-Income Households.

Section 365.203 Eligible Mortgagors Who May Receive Loans

The recipients of Loans funded by the proceeds of Bonds or Notes are required at all times to be Eligible Mortgagors.

Section 365.204 Land Trusts

Whenever title to the Real Estate is held in an Illinois land trust, the agreement creating the Trust and establishing the respective rights, powers, and duties of the Trustee and Owner shall be in a format approved by the Authority. The beneficial interest of such land trust shall be collaterally assigned to the Authority as additional security for the Loan.

SUBPART C: APPLICATION

Section 365.301 Application

Applicants shall submit Applications on forms provided by the Authority.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Section 365.302 Site and Market Study

The Authority shall conduct or cause to be conducted at the Applicant's expense a site study and a market study when an Applicant seeks a Loan. The provisions of this Section shall not relieve the Owner of its responsibility to provide a marketing and management plan as provided in Section 365.1101 of this Part.

Section 365.303 Staff Recommendation to the Advisory Commission

After initial review, the Staff shall prepare and present to the Advisory Commission a report concerning those Applications that the Staff recommends should be approved. The Staff shall inform the Advisory Commission, as to each Application, whether such Application is being recommended for funding, not recommended for funding or rejected due to being ineligible for funding.

Section 365.304 Authority Determination

The Staff shall present to the Members all positive recommendations for Loans under the Program along with the recommendations therefor from the Advisory Commission. The proceeds of Bonds or Notes used to make Loans can only be allocated to Loans for Developments approved by resolution of the Members for funding with such proceeds.

Section 365.305 Conditional Commitment

After approval of an Application by the Members, the Staff shall prepare and deliver to the Applicant a conditional commitment that commits the Authority to make a Loan expressly conditioned upon and subject to the Applicant's meeting all of the requirements of the conditional commitment and the availability of funds from the Program. If the conditional commitment expires prior to the consummation of the Loan, the Authority shall have no obligation to make such Loan. The Applicant shall forfeit all fees paid to the Authority and the Applicant shall be liable for any fees or charges then due and owing to the Authority.

SUBPART D: NOTICE OF PROPOSED MULTI-FAMILY DEVELOPMENTS

Section 365.401 Applicability and Purpose of Notification

- a) Purpose
The purpose of this Subpart is to set forth requirements for notifying certain persons and agencies when an Applicant proposes to acquire, construct, rehabilitate, finance, or refinance a Development in their district, county or municipality.
- b) Applicability
The provisions of this Subpart shall apply only to Developments subject to this Part.
- c) Compliance and Proof of Compliance
An Application shall not be deemed to be complete until the Applicant

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

has complied with the provisions of this Subpart applicable to it and has submitted to the Authority evidence of such compliance satisfactory to the Authority. An Applicant's failure to comply with this Subpart shall relieve the Authority of all obligations regarding the Development.

- d) Applicant Does Not Represent Authority
In responding to comments, attending hearings or undertaking any other activities pursuant to this Subpart, an Applicant shall not hold itself out as representing the Authority and shall not take or suffer any action which would incur any obligation on behalf of the Authority.

Section 365.402 Notification by Authority

- a) Notice of Development

Before the Staff submits to the Members the Staff's recommendation that the Authority should issue a conditional commitment to make a Loan to fund a Development, the Authority shall give written notice of the proposed Development to the following persons and agencies:

- 1) the chairman of the county board of the county in which the Development is located or is proposed to be located;
- 2) the mayor or other chief executive of the municipalities, if any, in which the Development is located or is proposed to be located;
- 3) in municipalities with a population of more than 1,500,000 persons, the alderman of the ward in which the Development is located or is proposed to be located and the Planning Commission;
- 4) appropriate Clearinghouses; and
- 5) each member of the General Assembly from the legislative district in which the Development is located or is proposed to be located.

- b) Forms

Notice under this Section shall be given on Authority forms.

- c) Contents

The notice shall set forth the name and address of the proposed Development; the name, address and telephone number of the Applicant; the estimated amount of the Loan; the type of any other assistance of any other governmental body proposed to be sought by the Applicant; the total number of units; the total number of any assisted units; the type of Development (for example, elderly, family or handicapped); and any other information that the Authority deems relevant.

Section 365.403 Comments and Responses

- a) Comments

The persons and agencies receiving notice of a proposed Development pursuant to Section 365.402 of this Part shall have 30 days from the date of mailing to submit written comments to the Applicant.

- b) Applicant's Responses

The Applicant shall respond in writing to all comments received under this Subpart, with a copy thereof to the Authority.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Section 365.404 Compilation of Comments and Responses**a) Documents**

The Applicant shall submit to the Authority the following documents within ten (10) days after expiration of the notice period described in Section 365.403(a) of this Part:

- 1) a copy of every written comment pursuant to Section 365.403 of this Part and a written summary of any oral comment received;
- 2) a copy of every response made pursuant to Section 365.403 of this Part;
- 3) a history of conferences, hearings and other activities undertaken in relation to comments on the proposed Development;
- 4) a brief summary of the Applicant's actions in response to comments; and
- 5) a certification from the Applicant that the information provided under this Section is accurate and complete.

b) Information

The Applicant shall provide sufficient information under this Section to enable the Authority to determine whether the Applicant has adequately considered and responded to comments received pursuant to Section 365.403 of this Part.

c) Denial

The Authority may at any time deny an Applicant's Application for, among other reasons, failure to comply with the provisions of this Subpart. Such denial shall be in writing and shall set forth the conditions, if any, that must be met for the Authority to continue to consider the Application.

d) Assistance of Authority

It shall be the Applicant's responsibility to seek the assistance of the Authority, if needed, in addressing comments received pursuant to this Section.

Section 365.405 Hearings

The Applicant shall provide written notice to the Authority of any public meeting or adjudicatory hearing which may be held in connection with the proposed Development. The Applicant shall mail such notice to the Authority within 2 days after receiving notice or otherwise becoming aware of such hearing. It shall be the Applicant's responsibility to prepare for and attend such hearings and to respond to any inquiry made at or in connection with such hearings regarding the proposed Development.

SUBPART E: OWNER OF MULTI-FAMILY PROJECTS**Section 365.501 Eligible Mortgagees**

The Authority may make Loans under the Program to Eligible Mortgagees. The Owner of a Development shall at all times be an Eligible Mortgagee. If the Authority learns that an Owner is not or has ceased to be an Eligible

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Mortgagee, then the Authority may take any action which the Mortgagee or the Mortgage Note entitle or permit the Authority to take in the case of a failure to make timely payment of principal or interest on the Loan, including but not limited to declaration of default and pursuit of remedies.

Section 365.502 Organizational Documents

To qualify and maintain the Owner as a Limited-Profit Entity or Nonprofit Corporation as defined in the Act and this Part, to qualify and maintain the Trustee or the Owner, as the case may be, as Eligible Mortgagees as defined in this Part, and to ensure that the Owner, and each person or entity which has an ownership interest in the Owner and/or Trustee, are required to comply with the Act and this Part and shall not cause the interest on the Bonds or Notes used to finance the Development, which was excludable from Federal income tax, if any, to become taxable for Federal tax purposes, such Owner shall either provide in its organizational documents or execute a written agreement with the Authority, that such owner shall at all times be a Limited-Profit Entity or Nonprofit Corporation and that the Authority shall have the rights and remedies to enforce such provisions of such entities' organizational documents or written agreement as are provided in the Act. The provisions of such documents of organization as are required by this Section shall not be amended without prior written Authority approval. Any such written agreement acceptable to the Authority, and duly authorized by an Owner, shall satisfy the requirements of this Section.

Section 365.503 Books and Records

The books and records of the Development and the Owner shall be prepared and maintained in accordance with Authority requirements and shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining compliance with the Rules, the Act, the Affordable Housing Act and all contracts and agreements relating to the Program. The books and records of the Owner, if separate from the books and records of the Development, shall likewise and to the same extent be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires.

Section 365.504 Audits

Any Development offices, architectural plans and specifications, apparatuses, devices, books and records, contracts, documents, and other papers relating thereto of the Development and the Owner shall at all times be maintained in reasonable condition for proper audit and shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. All audits, certifications, and financial reports that the Owner is required by contract with the Authority to allow, undertake, or prepare shall be made by and certified to the Authority by an independent certified public accountant

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

acceptable to the Authority.

Section 365.505 Annual Financial Report

Within the time period prescribed by the Authority after the end of the Development's fiscal year, the Owner shall provide to the Authority a complete annual financial report based upon the books and records of the Development and the Owner, prepared in accordance with Authority requirements, and certified to the Authority by the Owner and an independent certified public accountant acceptable to the Authority.

Section 365.506 Furnishing Information

The Owner shall furnish such reports, projections, certifications, analyses, budgets, operating reports and tax returns as are required by the Authority or by applicable Federal or State statutes, regulations or subsidy or assistance programs, and shall furnish specific answers to the Authority's questions about the Owner's income, assets, liabilities, and contracts and, if applicable, about the administration, operation, maintenance, occupancy, financial soundness, and physical condition of the Development.

Section 365.507 Standards for Approval of Conveyance

In determining whether to approve and/or impose restrictions on the conveyance, assignment, leasing, mortgaging, pledging or other transfer of the Development, and the beneficial interest in and power of direction over the Trust, or any partnership interest or stock ownership interest or other ownership interest in the beneficiary of the Trust, the Authority shall grant such approval, with any necessary restrictions, only if the Authority determines in its discretion that such action will not have an adverse effect upon the financial stability of the Development, the status or ratings of the Bonds or Notes that are providing all or any part of the financing for such Development, or the ability to repay such Bonds or Notes or the likely value of the Development as security for the Loan.

Section 365.508 Purchase of Authority Bonds and Notes

No Owner, including any "related person," as defined in Section 147 of the Internal Revenue Code of 1986, 26 I.R.C. 147 (1992), as amended from time to time, shall pursuant to any arrangement, formal or informal, direct or indirect, agree to purchase any Bonds, Notes or other obligations of the Authority, the interest on which is excludable from Federal income tax, in an amount related to the aggregate principal amount of the Loan to be made to the Owner or such related person.

SUBPART F: MORTGAGE LOANS TO DEVELOPMENTS

Section 365.601 Maximum Loan Amount for Developments

- a) Establishing Amount. The maximum Loan amount shall be an amount which

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

can be repaid out of the Development's expected net operating income after deductions for operating expenses, reserves and escrows, as determined by the Authority in its sole discretion, and without taking into account any income from any Commercial Tenant, based upon a debt service coverage ratio of not less than 1.10 to 1.0 or such higher amount as may be required by the Resolution or applicable Series Resolution.

- b) The Owner shall invest as Equity in the Development an amount no less than 10% of the total estimated replacement cost of the Development or 10% of the total cost of the Development, as those costs may be determined and approved by the Authority in its sole discretion, whichever cost is less. The Authority may, in its discretion, require the Owner to invest Equity in an amount greater than the minimum amount required pursuant to this Section. In calculating the total estimated replacement cost of the Development, the Authority shall consider: the design architect's fees; the supervisory architect's fees; legal, accounting and other organizational fees; marketing, consulting and purchasing agent fees; construction interest; the Authority's service and Development fees; real estate and other taxes; title and recording fees; financial contingency and construction contingency; the development cost escrow, if any; BSPRA; relocation costs; off-site improvements; land costs; carrying charges; and any other costs approved by the Authority. In calculating the total cost of the Development, the Authority shall consider trade payments to contractors and subcontractors, general overhead, bond premiums, insurance, builder's profit (if any), change orders, discounts, rebates and any other costs approved by the Authority.

- c) Troubled Affordable Housing. The Authority may, at the Authority's election, restructure Loans made from the proceeds of Bonds or Notes under the program that the Authority determines, in its sole discretion, are in jeopardy of not being repaid or that have been made to Developments in jeopardy of not being completed. In any such restructuring, the Authority may, subject to any covenants contained in the Resolution or applicable Series Resolution, reduce the principal amount of or interest rate on the Loan upon such terms and conditions as the Authority may determine in its sole discretion. In making such election to restructure a Loan, the Authority shall consider whether the financial strength of the program would be enhanced more by restructuring the Loan than by pursuing and enforcing the Authority's rights and remedies under the Mortgage and the Mortgage Note.

Section 365.602 Maturity of Loans

The maximum maturity of a Loan to be made by the Authority for permanent financing of multi-family rental housing under this Program shall not exceed 40 years and may be shorter at the sole discretion of the Authority. In determining the term of a Loan, the Authority shall take into account its:

- a) ability to pay when due the principal (including any sinking fund

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

- installments) and interest on any Bonds or Notes;
- b) ability to purchase or redeem any Bonds and to comply with the requirements of the Resolution and Series Resolution authorizing any Bonds;
 - c) ability to comply with the terms and provisions of any Notes;
 - d) the feasibility of the proposed Development;
 - e) the financial integrity of the Program;
 - f) the requirements of applicable State and Federal law; and
 - g) any other relevant factors.

Section 365.603 Recapture of Assistance

Within each set of Loan documents the Authority shall establish requirements regarding use, occupancy and rent levels as required by the Act, the Affordable Housing Act and this Part. If the Owner violates any of the provisions of the agreement or agreements containing such requirements, such violation shall be deemed a default under the Loan documents whether or not expressly so stated therein.

Section 365.604 Prepayment of Loan

The Authority may prohibit the prepayment of a Loan when, in the Authority's determination, such prepayment will diminish the supply of Affordable Housing as contemplated by the Act and the Affordable Housing Act, or when the Bonds or Notes issued to provide the Loan prohibit prepayment of the Bonds or Notes.

SUBPART G: RETURN ON EQUITY**Section 365.701 Statutory Authorization Establishing Rate of Return**

Pursuant to Section 8 of the Act, the Authority is required to establish Equity at the time of final disbursement of Loan proceeds. It is the purpose of this Subpart to set the criteria by which a permitted rate of return will be established.

Section 365.702 Equity and Distributions

- a) Right to Distributions. An Owner may have the right, commencing as provided in subsection (b) below, to make annual Distributions following the completion of a Development's fiscal year in an amount not to exceed a sum equal to the product of the Equity in the Development multiplied by a factor equal to two hundred percent (200%) of the yield paid on 30-year GNMA mortgage certificates, or such lesser sum as the Authority may determine, set and fixed as of the date of the conditional commitment letter to the Development. The Chief Financial Officer of the Authority shall certify to the GNMA rate as of such date. If a Distribution cannot be made as provided in subsections (c) and (d) below, an Owner may cumulate the right to make a Distribution. In any partial fiscal year following the Cumulation

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

- Date, the amount of a Distribution shall be cumulated pro rata. If GNMA mortgage certificates cease to be issued for 30-year terms, the annual Distributions shall be calculated based on the yield paid on the instrument most nearly comparable in character and credit to such GNMA mortgage certificate, as determined by the Authority.
- b) Cumulation Date. An Owner's right to a Distribution shall begin to cumulate on the Initial Closing Date.
- c) Source of Distributions. An Owner may make Current and Cumulative Distributions only out of Surplus Cash and/or Residual Receipts. If Surplus Cash or Residual Receipts are unavailable in a given fiscal year, an Owner shall make no Current Distribution, but the right to make such Distribution shall cumulate. If Surplus Cash and/or Residual Receipts are insufficient in a given fiscal year to make the approved Distribution for the Development, an Owner may distribute all available Surplus Cash and/or Residual Receipts and cumulate the right to make the remainder of the Distribution in future years when and if Surplus Cash and/or Residual Receipts are available.
- d) Timing of Distributions. No Distribution shall be made until after the Final Closing Date. Even if Surplus Cash and/or Residual Receipts are available, the initial and all subsequent Distributions, including Cumulative Distributions, may be made only after: the Authority has approved the Development's annual financial report (pursuant to Section 365.505 of this Part); the Development has an approved Development budget for the next fiscal year; the Owner has complied with all outstanding notices of requirements for proper maintenance and operation of the Development; the Owner has cured any defaults or breaches of applicable Authority Rules, contracts and agreements; and the Authority has issued its written authorization of such Distribution.
- e) Amount of Equity. As required by the Act, the Authority shall establish Equity in a Development at the time of making the final Loan advance. In no event shall the amount of such Equity be calculated to include any grants or other funds not originating with the Owner. Any Equity in a Development arising out of the sale or purchase of Low-Income Housing tax credits (including bona fide notes which are not in default executed by tax credit purchasers in favor of an Owner) shall be deemed to constitute funds originating with the Owner. Once established by the Authority, the amount of an Owner's Equity shall remain constant so long as the Mortgage Note and Mortgage are outstanding on the Development; provided however, the Authority shall reduce the Equity amount by any amount which is not timely invested in the Development.

Section 365.703 Development Funds and Property

All Development Funds received by an Owner or its agent shall be deposited to and maintained, as the Authority directs, in appropriate accounts with the Authority, or in a Federally insured bank or savings and loan association or other financial institution located and qualified to do business in Illinois

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

and whose deposits are insured by the Federal government. The Authority shall by contract with the Owner establish priorities for the disbursement and use of Development Funds, including the funding of reserves and escrows, and shall require that the Owner have personal liability for Development Funds or Development property that come into its hands or the hands of its agents that by contract with the Authority the Owner is not entitled to retain or has disbursed or used in violation of Authority requirements, together with the costs and expenses of the Authority in redressing the violation. In establishing such priorities, the Owner and Authority shall take into account the purposes of the Program, the financial stability of the Development, the physical condition of the Development, the value of the Development as security for the Loan, and other relevant factors. It shall be a violation of the Rules for the Owner or its agent to disburse, use or retain Development Funds or Development property other than in accordance with the requirements or priorities established pursuant to this Section and set forth in Authority contracts with the Owner or other documents.

Section 365.704 Reserve Fund for Replacements

The Owner of a Development shall set aside out of gross Development income and shall deposit with the Authority such sums as the Authority shall specify or applicable Federal statutes, regulations, or agreements required to be deposited in an account to be titled the Reserve Fund for Replacements. No proceeds of the Reserve Fund for Replacements may be withdrawn, disbursed, or applied without written Authority approval. The sums set aside, together with any income earned thereon, shall be used to pay the costs of replacing structural elements and mechanical equipment of the Development and for such other Development expenses as the Authority in its sole discretion may approve. In determining the amounts to be set aside or deposited to the Reserve Fund for Replacements, the Authority shall consider the nature and condition of any structural elements or mechanical equipment which may have to be replaced, the estimated useful life of any such structural elements or mechanical equipment, the estimated cost of replacements, applicable Federal requirements, construction costs, and potential gross Development income. In connection with any requested disbursements from the Reserve Fund for Replacements, the Authority shall consider the benefit to the Development of the proposed disbursement, the amount to be disbursed, the amount on deposit in the Reserve Fund for Replacements, whether the Owner is delinquent in making deposits to the Reserve Fund for Replacements or is otherwise delinquent in making payments or deposits under the Loan documents, other uses for which the Reserve Fund for Replacements is likely to be needed, and any other relevant factors.

SUBPART H: CONSTRUCTION

Section 365.801 Design and Construction Standards

Developments financed by Loans under the Program shall be designed and constructed or rehabilitated to conform with applicable Federal, State, and local statutes, regulations, ordinances, standards, and codes, with industry

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

practices in Illinois, and with the requirements of applicable Authority Rules and guides.

SUBPART I: ENERGY EFFICIENCY

Section 365.901 Standards

All Developments receiving assistance from the Program for construction and rehabilitation shall comply with the provisions of 47 Ill. Adm. Code 310. Subpart I. Any waiver of such provisions shall be made in accordance with Section 310.913 of this Part.

SUBPART J: CERTIFICATIONS

Section 365.1001 Environmental Assessment

Prior to the making of a Loan under the Program, the Authority shall require the Applicant to conduct or authorize the Authority to cause to be conducted on the Applicant's behalf a Phase I environmental assessment review, certified to the Authority, of the proposed Development undertaken by an environmental consultant approved in advance by the Authority. The Authority may, at its election, commission such assessment. The environmental assessment shall, at a minimum, consist of a review of historic activities on the Real Estate and a current conditions of the Real Estate which identify potential violations of applicable environmental laws. If the results of the Phase I environmental assessment disclose the presence of any hazardous substance as described at Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601(14)), or any other adverse environmental conditions, as determined by the Authority, then the Authority may deny the Application or the funding of the Loan. The Authority may elect, as a condition to further review of the Application or to the making of the Loan, as the case may be, that the Applicant shall conduct or authorize the Authority to conduct on the Applicant's behalf a Phase II comprehensive environmental assessment certified to the Authority by an environmental consultant approved in advance by the Authority. This Phase II assessment may consist of sampling, lab analysis and an estimate of the magnitude of environmental problems, as well as costs involved in site cleanup. The Applicant shall pay the costs of all such assessments, and the costs may, at the sole discretion of the Authority, be payable out of Loan proceeds.

Section 365.1002 Other Laws

All Developments receiving Loans from the Program for construction or rehabilitation shall comply with the provisions of the Environmental Barriers Act [410 ILCS 25], the Illinois Accessibility Code (71 Ill. Adm. Code 400), the Americans with Disabilities Act (42 USC 12101 et seq.), Executive Order for the Reduction of Earthquake Hazards (Executive Order 90-2), the Historic Preservation Act [20 ILCS 3410] and all other applicable Federal, State or local laws.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

SUBPART K: MARKETING AND MANAGEMENT

Section 365.1101 Marketing and Management

- a) It shall be the responsibility of the Owner to provide for the marketing and management of the Development in a manner and by a party satisfactory to the Authority so as to promote the purposes of the Program and the financial stability of the Development and to preserve the value of the Authority's security interest in the Development.
- b) All marketing and management plans and management agreements shall be acceptable to the Authority. Such plans and agreements shall conform to any applicable conditions providing for Federal assistance (if any) relating to the Development.

Section 365.1102 Marketing and Management Plans

- a) Approval. Before the Authority makes a Loan under the Program and at such other times as may be required by the Authority, the Authority may require the Applicant to submit for the Authority's approval plans for the marketing and management of the Development. In deciding whether to approve such plans, the Authority may consider: the purposes of the Program; the provisions of the Tenant Selection Plan; as applicable; applicable Federal and State statutes and regulations; and any other matters it determines to be relevant.
- b) Contents of Marketing Plan. The marketing plan shall set forth the policies and procedures to be used in marketing and shall address: the qualifications of the marketing agent; the nature of the market to be served by the Development; the dates of availability of units by type and location; the dates of availability and locations of facilities essential to the marketing campaign, including model units, the rental office, and any community building; the provisions for compliance with all fair housing requirements; the promotion of the Development, including the use of mass media, public relations, brochures, signs, equipment and furnishings for model units and the rental office; and marketing staff. The marketing plan shall also set forth: the intended mix of family, elderly and handicapped Tenants; where appropriate, the intended Tenant income mix and method of achieving such a mix (including number of units); the method of processing the applications of prospective Tenants; the criteria upon which prospective Tenants' applications for occupancy are to be approved or disapproved; preference for occupancy in the Development for persons and families displaced by urban renewal, slum clearance, other governmental action or natural disaster; rent schedules; and any other relevant matters.
- c) Contents of Management Plan. The Management Plan shall set forth the policies and procedure to be used by the managing agent in operating the Development and shall address: the qualifications of the managing agent; procedures for evaluating management personnel; physical maintenance of the Development; procedures for tenant selection;

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

preference for occupancy in the Development for persons and families displaced by urban renewal, slum clearance, other governmental action or natural disaster; tenant/landlord relations; eviction procedures; marketing; financial reporting; books and records of the Development; the intended mix of family, elderly and handicapped Tenants; where appropriate, the intended Tenant income mix and method of achieving such a mix (including number of units); the method of processing prospective Tenants; the criteria upon which prospective Tenants' applications for occupancy are to be approved or disapproved; the managing agent's compensation; and any other relevant matters.

- d) Responsibility. The Owner shall be responsible for ensuring both the marketing agent's and the managing agent's compliance with all applicable ordinances, regulations, statutes, and applicable Rules, agreements and requirements.

Section 365.1103 Maintenance

The Owner shall maintain the Development, including, without limitation, the dwelling units, commercial facilities, and grounds and equipment related to the Development, in a decent, safe, and sanitary condition, in a tenantable and rentable state of repair, and in compliance with applicable leases and with Federal, State, and local statutes, regulations, ordinances, standards and codes.

Section 365.1104 Cost of Service

The Owner shall not pay more for administrative, management, operating, and maintenance expenses than is reasonable given the location and size of the Development, the level of administration, operation, and maintenance required by the applicable Authority Rules and agreements, the requirements of the marketing plan, management plan and Tenant Selection Plan, the uniqueness or quality of available services or supplies, the presence of an emergency or other time constraint, the credit worthiness of suppliers and contractors, and any other relevant factors. The Owner shall solicit bids for administrative, operation and maintenance services if the Authority shall so require.

SUBPART L: TENANTS AND OCCUPANCY

Section 365.1201 Displacement

Owners shall not cause the permanent displacement of any Tenants in a Development that receives a Loan for rehabilitation except as provided in Section 365.1202 of this Part. Pursuant to Section 10(g) of the Affordable Housing Act, Relocation Plans must comply with Section 507 of the Federal Housing and Community Development Act of 1987.

Section 365.1202 Relocation Plan

- a) Approval. Before the Authority makes a Loan for rehabilitation of a

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

Development under the Program and at such other time as shall be required by the Authority, the Authority shall require the Applicant to submit, for the Authority's approval, a plan for the temporary relocation or permanent displacement of Tenants whose dwelling units will be rendered uninhabitable by any renovation. In deciding whether to approve such plans, the Authority shall consider: the purposes of the Program; the provisions of the Tenant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

- b) Benefits Provided For in the Relocation Plan. The benefits provided for under the relocation plan shall be available only to lawful residential Tenants (not owner-occupants or businesses) who are temporarily relocated or permanently displaced following submission of the Applicant's application for a Loan or the Applicant's control of the site, whichever comes later. The benefits provided for under the relocation plan shall not be available to Tenant if: the Tenant's income is eighty percent (80%) or more of the median family income, adjusted for family size; the Tenant commences occupancy after the later of Applicant's application for a Loan has been submitted to the Authority or the Applicant has obtained site control, provided such Tenant receives written notice of the impending rehabilitation and possible relocation or displacement prior to executing the lease; the Tenant has his/her tenancy terminated for violations of the terms and conditions of the lease, a violation of applicable Federal, State or local law, or other good cause; the Tenant is rejected for continued occupancy by the Applicant for reasons stated in the Tenant Selection Plan, except as provided below; the Tenant moves from the Development of his/her own accord; or other good cause exists to deny benefits as determined by the Authority. However, Tenants who are rejected by an Applicant for continued occupancy in the Development for reasons concerning family size restrictions or inability to afford rent levels charged after rehabilitation shall be eligible for permanent displacement benefits under the relocation plan.
- c) Contents of the Relocation Plan. The relocation plan shall set forth the policies and procedures to be used by the Applicant in temporarily relocating or permanently displacing Tenants including, but not limited to: provisions detailing the responsibilities of the Applicant and, if applicable, its managing agent; the basic actions to be taken in the relocation program; the acceptance and rejection criteria for determining eligibility for temporary relocation and permanent displacement benefits; the information to be provided to Tenants regarding the relocation program; provisions for determining Tenants' relocation needs; a description of relocation benefits; and provisions detailing the implementation of the relocation plan, including a timetable for activities under the plan.
- d) Enforcement of Relocation Plan. The Owner is responsible for assuring that all the relocation requirements are met. The Authority, except in those cases where another governmental agency has a regulatory requirement to do so, will monitor the relocation activities to

determine compliance with the requirements of this Section. The Authority may take whatever action is available to it under this Subpart or on the occurrence of a default under the Loan documents for violation of the Relocation Plan whether expressly stated therein or not.

Section 365.1203 Tenant Selection Plan

Before making a Loan under the Program, the Authority shall approve, where applicable, a Tenant Selection Plan submitted by the Applicant and setting forth the income limits for Tenants. In approving the Tenant Selection Plan, the Authority shall consider whether the selection procedures will be equitable considering the family size and circumstances of the Tenant; promote a heterogeneous mix of income levels to the extent appropriate; maintain the financial stability of the Development; and comply with the Authority's Rules. All housing financed by and all assistance from the Program shall be available to all eligible persons regardless of race, national origin, ancestry, religion, creed, sex, age, familial or marital status, disability, or unfavorable military discharge.

Section 365.1204 Income and Rent Limits

- a) A Tenant's initial occupancy of a unit held available for rental to Low-Income Households and Very Low-Income Households shall be limited to persons and families initially meeting the income limits set forth in subsection (b) below. If a Tenant meeting income requirements at the time of initial occupancy subsequently fails to continue to meet such requirements, that failure shall not constitute non-compliance by that Tenant.
- b) Determination of Income Limits
 - 1) For all units reserved for Low-Income Households, the income limits shall be equal to 80% of the median family income with adjustments for family size, for the area in which the Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437). The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.
 - 2) For all units reserved for Very Low-Income Households, the income limits shall be equal to 50% of the median family income with adjustments for family size, for the area in which the Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437). The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

request.

- 3) The Owner shall obtain from each prospective Tenant intending to occupy a unit held available for rental to Low-Income Households and Very Low-Income Households and on an annual basis thereafter a certification of income. The Owner shall verify each such certification in a manner approved by the Authority. The Owner shall submit each certification and verification thereof to the Authority by mail.

c) Determination of Rent Limits

- 1) Subject to subsection (c)(4) below, for all units reserved for Low-Income Households, Tenants occupying such units shall not be charged, including a Utility Allowance, rent in excess of thirty percent (30%) of the maximum allowable income as set forth in subsection (b)(1) above. The amount allocated for the Utility Allowance shall be determined by the Owner and approved by the Authority.

- 2) For all units reserved for Very Low-Income Households, Tenants occupying such units shall not be charged, including a Utility Allowance, rent in excess of thirty percent (30%) of the maximum allowable income as set forth in subsection (b)(2) above. The amount allocated for the Utility Allowance shall be determined by the Owner and approved by the Authority.

- 3) The Owner shall submit to the Authority for the Authority's approval on an annual basis the rent schedule for the Development. Rents shall not be increased without the Authority's consent.

- 4) No Tenant shall be required to vacate or move from a unit reserved for Low-Income Households or Very Low-Income Households due to an increase in income exceeding the income limitations contained in this Subpart. The Owner may increase the rent for such units, for so long as the Tenant's income exceeds such limits, to an amount not to exceed the fair market rent as approved by the Authority. The Authority shall have the right to charge and collect rental surcharges on any unit leased by a Tenant who initially qualified as a Very Low-Income Household or Low-Income Household, but whose income thereafter exceeded such income limitations.

- d) For units not reserved for Low-Income Households or Very Low-Income Households, the Owner may charge fair market rents, as determined by the Authority.

Section 365.1205 Commercial Facilities

- a) Facilities. The Owner shall rent commercial facilities, if any, only to such Commercial Tenants, at such rental and for such purposes as have been approved by the Authority. In no event shall the space occupied by Commercial Tenants in the aggregate exceed five percent (5%) of the total square footage of the improvements in the Development (excluding land). In approving commercial facilities and

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

Commercial Tenants, the Authority shall consider the Tenant Selection Plan, the Marketing Plan, the Management Plan, the nature of the prospective business, the credit history of the prospective Commercial Tenant, the benefit of the prospective business to Tenants of the Development, the prospective Commercial Tenant's ability to comply with applicable licensing and zoning requirements, the purposes of the program and any other relevant matters.

- b) Compliance. The Owner shall be responsible for ensuring the Commercial Tenant's compliance with all applicable ordinances, zoning codes, licensing requirements, regulations, statutes and Authority Rules and agreements.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Affordable Housing Program
- 2) Code Citation: 47 Ill. Adm. Code 360
- 3) Section Numbers:
- 360.101 Adopted Action:
 - 360.103 Amendment
 - 360.104 Amendment
 - 360.106 Amendment
 - 360.109 Amendment
 - 360.114 Amendment
 - 360.201 Amendment
 - 360.202 Amendment
 - 360.203 Amendment
 - 360.204 New Section
 - 360.301 Amendment
 - 360.303 Amendment
 - 360.304 Amendment
 - 360.305 Amendment
 - 360.309 Amendment
 - 360.310 Amendment
 - 360.401 Amendment
 - 360.501 Repealed
 - 360.502 Amendment
 - 360.503 Amendment
 - 360.505 Amendment
 - 360.506 Amendment
 - 360.507 Amendment
 - 360.601 Amendment
 - 360.602 Amendment
 - 360.603 Amendment
 - 360.801 Amendment
 - 360.802 Amendment
 - 360.803 Amendment
 - 360.804 Amendment
 - 360.901 Amendment
 - 360.902 Amendment
 - 360.903 Amendment
 - 360.904 Amendment
 - 360.905 Amendment
 - 360.1101 Amendment
 - 360.1102 Amendment

- 4) Statutory Authority: Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

- 5) Effective Date of Amendments: MAY 25 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 22, 1993
- 9) Notice of Proposal Published in Illinois Register:
February 4, 1994, 18 Ill. Reg. 1669/2124
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between the proposal and final version:
Pursuant to memorandum from Administrative Code Division dated March 17, 1994 and Agreement Letter between JCAR and the Authority, the Authority made a series of substantive, technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This proposed rulemaking will enable the Illinois Affordable Housing Program to create and retains affordable housing for low-income and very low-income households.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Janet Winningham, Esq.
Address: 401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611
Telephone: (312)836-5308

The full text of the Adopted Amendments begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 360

AFFORDABLE HOUSING PROGRAM

SUBPART A: GENERAL RULES

Section	
360.101	Authority
360.102	Purpose and Objectives
360.103	Definitions
360.104	Borrowing by the Authority
360.105	Compliance with Federal Law
360.106	Standards - Criteria
360.107	Forms and Procedures for the Program
360.108	Fees and Charges of the Authority
360.109	Waiver
360.110	Amendment
360.111	Severability
360.112	Gender and Number
360.113	Titles and Captions
360.114	Calendar Days
Section	
360.201	Eligible Recipients
360.202	Eligible Beneficiaries
360.203	Eligible Activities Permitted Uses of Trust Fund Monies
360.204	Market Rate Developments

SUBPART B: ~~ELIGIBLE~~ USES

SUBPART C: APPLICATION

Section	
360.301	Application
360.302	Form
360.303	Review
360.304	Initial Meeting Contact
360.305	Site and Market Study/Rental Analysis
360.306	Feasibility Determination (Repealed)
360.307	Staff Recommendation
360.308	Advisory Commission
360.309	Authority Determination
360.310	Conditional Commitment

SUBPART D: NOTICE

Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

360.401 Notification by Authority
360.402 Comments and Responses

SUBPART E: OWNER RECIPIENT

Section	
360.501	Eligible Applicants (Repealed)
360.502	Land Trusts
360.503	Books and Records
360.504	Audits
360.505	Annual Financial Report
360.506	Furnishing Information
360.507	Standards for Approval of Conveyance
Section	
360.601	Maximum Loan Amount and Priority
360.602	Maximum Grant Amount
360.603	Increase Above Maximum Mortgage Loan or Grant Amount
360.604	Amortization
360.605	Recapture of Assistance
360.606	Prepayment of Loan

SUBPART F: LOANS AND GRANTS

SUBPART G: CONSTRUCTION

Section	
360.701	Design and Construction Standards

SUBPART H: MARKETING AND MANAGEMENT

Section	
360.801	Marketing and Management
360.802	Marketing and Management Plans
360.803	Maintenance
360.804	Cost of Service

SUBPART I: TENANTS AND OCCUPANCY

Section	
360.901	Displacement
360.902	Relocation Plan
360.903	Tenant Selection Plan and Participant Selection Plan
360.904	Income and Rent Housing Expense Limits
360.905	Non-Discrimination

SUBPART J: ENERGY EFFICIENCY

Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

360.1001 Standards

SUBPART K: CERTIFICATIONS

Section

360.1101 Environmental Assessment

360.1102 ~~Environmental Barriers~~ Other Laws

AUTHORITY: Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991; emergency amendment at 18 Ill. Reg. 2124, effective January 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective MAY 25 1994.

SUBPART A: GENERAL RULES

Section 360.101 Authority

This Part is authorized by and made pursuant to ~~Public Act 86-925~~ the Illinois Affordable Housing Act [310 ILCS 65] and shall govern the Program.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

Section 360.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act (~~11th Rev. Stat.~~ 1989-ch-67-~~1727-pars. 3017~~ [20 ILCS 3805]).

"Advisory Commission": The Affordable Housing Advisory Commission.

"Affordable Housing": Residential housing that, so long as the same is occupied by Low-Income Households or Very Low-Income Households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as set forth in Section 360.904(b)(1) and (2) of this Part.

"Affordable Housing Act": The Illinois Affordable Housing Act (~~Public Act 86-925~~ effective September 15, 1999 [310 ILCS 65]).

"Affordable Housing Bond": 14 Rules: 47 Ill. Adm. Code 365.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

"Affordable Housing Program Trust Fund Bonds or Notes": The bonds or notes issued by the Authority under the Act to further the purposes of the Affordable Housing Act.

"Applicant": The person or entity applying for an allocation of monies from the Trust Fund.

"Authority": The Illinois Housing Development Authority.

"Borrower": ~~The person or entity holding legal title to a Development or Single-Family Development and who has executed and delivered to the Authority a Note.~~

"Clearinghouse": The person in the Office of the Governor designated by the Governor to provide notice to appropriate State and local agencies of proposed Developments or Single-Family Developments.

"Development": A Multi-family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Director": The Director of the Authority.

"Grant": A grant from the Authority to a Recipient to be used in connection with a Development or Single-Family Development.

"Loan": ~~The~~ A loan from the Authority to a Borrower Recipient to be used for the acquisition of the Real Estate or for the planning construction, rehabilitation, development, completion, or financing of a in connection with a Development or Single-Family Development.

"Low-Income Household": A single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (~~Section 3 of the Act~~).

"Members": The Members of the Authority.

"Multi-family Housing": A building or buildings providing housing to 5 or more households.

"Note": The document executed as evidence of a Borrower's indebtedness under a loan and any supplements thereto and modifications or amendments thereof.

~~"Owner": The person or entity holding title to a Development or~~

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

~~"Single-Family Development": The real property upon which a Development or Single-Family Development is to be or has been constructed.~~

"Part": This Part 360.

"Participant Selection Plan": The participant selection plan approved by the Authority for a Single-Family Development.

"Program": The Illinois Affordable Housing Program.

"Real Estate": The real property upon which a Development or Single-Family Development is to be or has been constructed.

"Recipient": ~~The~~ A proprietorship, partnership, for-profit corporation, not-for-profit corporation, ~~or~~ unit of local government, the Illinois Housing Development Authority, or the entity that holds legal title to the Development or Single-Family Development, or when the Development is held in a Trust, the entity owning the beneficial interest in a Trust ~~which~~ that receives Trust Fund Monies from the Authority.

"Rules": The rules and regulations of the Authority as supplemented and amended from time to time.

"Single-Family Development": A Single-Family Housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Single-Family Housing": A building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 203 3 of the Mobile Home Landlord and Tenant Rights Act [765 ILCS 745/3].

"Staff": The Director and the employees of the Authority.

"State": The State of Illinois.

"Tenant": The person, ~~or~~ family or unrelated persons leasing a Single-Family Development or a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust which holds legal title to a Development or Single-Family Development.

"Trustee": The trustee of ~~a~~ an Illinois ~~land trust~~ Trust holding legal title to a Development.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Trust Fund Monies": All monies, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts of funds deposited or to be deposited in the Trust Fund pursuant to Section 5(b) of the Affordable Housing Act and any proceeds, investments or increases thereof.

"Utility Allowance": The cost of utilities, except telephone, based on reasonable consumption of these utilities.

"Very Low-Income Household": ~~A~~ A single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) ~~(Section 3 of the Act)~~.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994.)

Section 360.104 Borrowing by the Authority

To the extent allowed by the Act and the Affordable Housing Act, the Authority may borrow funds ~~with which to make loans under~~ in connection with the Program.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994.)

Section 360.106 Standards - Criteria

In administering the Program, the Authority, ~~the Director~~, and the Staff shall, in the exercise of discretion, consider, in addition to the criteria specifically set forth in this Part;

- a) the purposes of the Program to provide affordable, decent, safer and sanitary housing, whether through the making of a loan, a grant or the use of Trust Fund Monies pursuant to Sections 8(b), (c), (d) and 9 of the Act;
- b) the requirements of applicable State and Federal law;
- c) the financial condition and previous experience of the Applicant;
- d) local government and community support for the Development or Single-Family Development;
- e) suitability of the location of the Development or Single-Family Development;
- f) cost efficiency;
- g) energy efficiency;
- h) affordability to ~~Very Low-Income Households and Very Low-Income Households;~~ Monies requested per unit;
- i) amount of ~~Trust~~ Monies requested per unit;

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

- j) term of the Loan and other sources of financing;
 k) secured position of the Loan;
 l) equity contribution of Applicant;
 m) amount and appropriateness of non-construction costs; and
 n) results of site and market study, or rental analysis, if applicable.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

Section 360.109 Waiver

By resolution, the Members may authorize the Director to waive or vary, after review by the Advisory Commission, particular provisions of this Part to conform with the requirements of applicable State or Federal law or ~~an exceptional circumstance~~ to conform with the determination of the Authority that the application of such provisions may result in undue hardship or an unreasonable result.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

Section 360.114 Calendar Days

Days shall mean calendar days. Due dates falling on a Saturday, Sunday, or a legal State or Federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday, or a legal State or Federal holiday.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

SUBPART B: Eligible RECIPIENT USES

Section 360.201 Eligible Recipients

~~The following~~ Only entities that are recipients are eligible to receive funds under the Program: ~~a partnership, a corporation, a not-for-profit corporation, or a unit of local government.~~

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

Section 360.202 Eligible Beneficiaries

Funds from the Trust Fund may be expended only for the benefit of Low Income Households and Very Low Income Households. The majority of funds appropriated by the Illinois General Assembly to the Trust Fund for each fiscal year shall be expended for the benefit of Very Low-Income Households.

(Source: Amended at 18 Ill. Reg. _____, effective

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

Section 360.203 Eligible Activities Permitted Uses of Trust Fund Monies

Trust Fund monies may be expended used for the following purposes: ~~acquisition, rehabilitation, or new construction of a structure; the adaptive reuse of an existing structure; construction loans; predevelopment loans; gap financing; mortgage insurance; rental subsidies; down payment and security deposit assistance; interest rate write-down; and construction cost write-down.~~

- a) to make secured, unsecured or deferred repayment Loans;
 b) to make zero percent or low interest Loans;
 c) to make Grants, payments or subsidies for the acquisition, construction, rehabilitation, development, operation, insurance or retention of Developments or Single-Family Developments or to pay predevelopment expenses;

d) to purchase mortgage participation certificates representing an undivided interest in specified, first-lien conventional residential Illinois mortgages which are underwritten, insured, guaranteed or purchased by the Federal Home Loan Mortgage Corporation;

- e) to be used in investments which reduce the risk associated with fluctuations in interest rates or the market price of investments or any other investments which are lawful for other fiduciaries in the State to make;

f) to provide assistance for Developments which are occupied partly by Low-Income Households and Very-Low Income Households and partly by households not qualifying as Low-Income Households and Very Low-Income Households;

- g) to purchase first and second mortgages;
 h) to make Grants for the provision of technical assistance, outreach and building of an Applicant's capacity to develop Affordable Housing;

i) to pay fees of the Program Administrator not to exceed \$500,000 each fiscal year in connection with the operation of the Program; and
 j) to be held, pledged, applied or dedicated pursuant to Sections 8(b), (c), (d) and 9 of the Affordable Housing Act in connection with Affordable Housing Program Trust Fund Bonds or Notes issued pursuant to the Act. Trust Fund Monies used pursuant to this subsection 360.203(j) shall be governed by the Affordable Housing Bond Program Rules.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

Section 360.204 Market Rate Developments

Pursuant to Section 10(d) of the Affordable Housing Act the Authority may provide assistance for Developments which are to be occupied partly by Low-Income Households or Very Low-Income Households at that the number of units to be occupied by Low-Income Households;

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

shall be acceptable to the Authority, in its sole discretion, and shall be in compliance with any Federal law and the regulations promulgated thereunder, if applicable.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

SUBPART C: APPLICATION

Section 360.301 Application

Applicants seeking monies from the Trust Fund shall submit to the Authority a completed application form prescribed by the Authority together with a nonrefundable application fee in the amount of \$250. The application fee for for-profit Applicants shall be \$500. The application fee for all other Applicants shall be \$250.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

Section 360.303 Review

Upon receipt of a completed application the Staff shall determine whether the application meets the eligibility requirements of Subpart B of this Part; and, whether all other requirements of this Part and the Affordable Housing Act are met. If the Staff determines that the application fails to meet any of these requirements, the Authority shall notify the Applicant in writing within twenty sixty days after receipt of the application by the Authority.

(Source: Amended MAY 25 1994 at 18 Ill. Reg. _____, effective _____)

Section 360.304 Initial Meeting Contact

If the Authority determines that the application meets the requirements of this Part and the Affordable Housing Act, the Staff shall meet with contact the Applicant to establish discuss what additional information, if any, is required in order to allow Staff to make a recommendation on the application to the Advisory Commission.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

Section 360.305 Site and Market Study/Rental Analysis

The Authority shall may conduct a site and market study when the Applicant seeks funds for new construction. The Authority shall conduct a site and market study or rental analysis when the Applicant's proposed rent structure is not in conformity with the rental market rates known to the Authority within a

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

one half mile radius of the Development.

(Source: MAY 25 1994 at 18 Ill. Reg. _____, effective _____)

Section 360.309 Authority Determination

The Staff shall present all recommendations to distribute Trust Fund monies together with the positive recommendations for funding of from the Advisory Commission to the Members. Monies from the Trust Fund can only be allocated pursuant to resolution by the Members.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

Section 360.310 Conditional Commitment

After approval of an application by the Members, the Staff shall prepare and deliver to the Applicant a conditional commitment which contains the Authority's commitment to allocate Trust Fund monies conditioned upon the Applicant's Applicants meeting the requirements of the conditional commitment and the availability of monies in the Trust Fund. The conditional commitment may remain in effect for only shall expire, if unfunded, within one year from the date of issuance.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

SUBPART D: NOTICE

Section 360.401 Notification by Authority

a) Notice of Allocation

Prior to the presentation of an application to the Members, the Authority shall give written notice of the proposed allocation to the following persons and agencies:

- 1) the chairman of the county board of the county in which the proposed Development or Single-Family Development is to be located;
- 2) the mayor or other chief executive of the municipality, if any, in which the proposed Development or Single-Family Development is to be located;
- 3) the appropriate Clearinghouses; and
- 4) each member of the General Assembly from the legislative district in which the proposed Development or Single-Family Development is to be located.

If the application does not request Trust Fund monies for a specific Development or Single-Family Development, notice will be sent based on the location of the Applicant.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

- b) Forms
Notice under this Section shall be made on forms prepared by the Authority.
- c) Contents
The notice shall set forth the name and address of the Applicant; the estimated amount of the proposed allocation; if applicable, the name and address of the proposed Development or Single-Family Development; type of any subsidies; the total number of units; and the type of Development or Single-Family Development (for example, elderly, family, or handicapped).

(Source: Amended at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

SUBPART E: OWNER RECIPIENT

Section 360.501 Eligible Applicants (Repealed)

~~The Authority may make loans under the Program to Applicants eligible under Section 360.201 or their designees.~~

(Source: Repealed at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

Section 360.502 Land Trusts

Whenever title to the Real Estate is held in an Illinois land trust, the agreement creating the Trust and establishing the respective rights, powers, and duties of the Trustee and Owner Recipient shall be in a format approved by the Authority. The Authority shall approve such format only if it meets the legal requirement necessary to create a valid Illinois land trust and complies with the Act and the Rules as determined by the Authority. The deed in Trust and Trust agreement shall be in compliance with the Act and the Rules as determined by the Authority.

(Source: Amended at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

Section 360.503 Books and Records

The books and records of the Development and the Recipient shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining compliance with the Rules, the Act, the Affordable Housing Act and all contracts and agreements relating to the program. The books and records of the Owner shall be separate from the books and records of the Development, shall be made available to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

~~Recipient to be disbursed or used for more than one Development or Single-Family Development; the books and records of the Recipient shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires.~~

(Source: Amended at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

Section 360.505 Annual Financial Report

~~Within sixty days of the end of the calendar year, the Owner The Recipient shall furnish the Authority with a complete annual financial report based upon the books and records of the Development and the Owner Recipient, prepared in accordance with Authority requirements, and certified by the Owner Recipient. If the allocation is made to a Recipient to be disbursed or used for more than one Development or Single-family Development, the Authority shall require the Recipient to submit a complete annual financial report prepared in accordance with Authority requirements.~~

(Source: Amended at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

Section 360.506 Furnishing Information

~~The Owner or Recipient shall furnish such reports, projections, certifications, analyses, budget, operating report and tax returns as required by applicable Federal, or State or local statutes, regulations, or subsidy or assistance programs or by the Authority, and shall furnish specific answers to the Authority's questions about the Owner's or Applicant's Recipient's income, assets, liabilities, and contracts and, if applicable, about the administration, operation, maintenance, occupancy, financial soundness, and physical condition of the Development or Single-Family Development.~~

(Source: Amended at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

Section 360.507 Standards for Approval of Conveyance

~~In determining whether to approve and/or impose restrictions on the conveyance, assignment, leasing, mortgaging, pledging or other transfer of the Development or Single-Family Development, and the beneficial interest in and power of direction over the Trust, or any partnership interest or stock ownership interest in the beneficiary of the Trust, the Authority shall grant such approval, with any necessary restrictions, only if the Authority determines that such action will not have an adverse impact upon the financial stability of the Development or Single-Family Development.~~

(Source: Amended at 18 Ill. Reg. _____, effective
—MAY 25 1994—)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

MAY 25 1994

SUBPART F: LOANS AND GRANTS

Section 360.601 Maximum Loan Amount and Priority

Loans shall not exceed \$500,000.00 for each application Recipient. First priority shall be given to those applications which propose the lowest housing expense-for-the-longest-term per unit total cost, lowest monthly housing expense, and longest affordability restrictions.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 25 1994)

Section 360.602 Maximum Grant Amount

Grants to a Very Low-Income Household by a an-applicant Recipient shall not exceed \$5,000. Grants to a Low-Income Household by an applicant Recipient shall not exceed \$2,500. Grants to organizations or corporations are--intended to shall not exceed \$500,000.00 for-each-applicant. Grants are not available to for-profit entities. All other provisions of this Part apply to grants made by the Authority.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 25 1994)

Section 360.603 Increase Above Maximum Mortgage Loan or Grant Amount

Nothing contained in this Section shall prohibit the Authority from increasing the amount of a Loan or Grant above the limitations specified herein if the Authority, in its sole discretion, determines that such increase is necessary to meet the purposes of the Affordable Housing Act. In deciding whether to approve a Loan or Grant increase, the Authority shall consider the physical condition of the Development or Single-Family Development, the value of the Development or Single-Family Development as security for the Loan, if applicable, the Authority's ability to provide such Loan or Grant increase, the ability of the Owner Recipient to repay the Loan and Loan increase out of gross income of the Development or Single-Family Development, the financial status of the Development or Single-Family Development and any other relevant factors.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 25 1994)

SUBPART H: MARKETING AND MANAGEMENT

Section 360.801 Marketing and Management

- a) It shall be the responsibility of the Owner-or Recipient provide for the marketing and management of the Development or a-family

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

Development in a manner satisfactory to the Authority so as to promote the purposes of the program and the financial stability of the Development or Single-Family Development and to preserve the value of the Authority's security interest in the Development or Single-Family Development.

- b) All marketing and management plans shall be acceptable to the Authority pursuant to Section 360.802.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 25 1994)

Section 360.802 Marketing and Management Plans

- a) Approval. Before the Authority makes a Loan or Grant under the Program or at such other time as required by the Authority, the Authority may require the Applicant to submit for the Authority's approval plans for the marketing and management of the Development or Single-Family Developments Development. In deciding whether to approve such plans, the Authority shall consider: the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

- b) Contents of Marketing Plan. The marketing plan shall set forth: the policies and procedures to be used in marketing; shall address the qualifications of the marketing agent; the nature of the market; the dates of availability of occupiable units by type and location; the dates of availability and locations of facilities essential to the marketing campaign, including model units, the rental office, and the community building; compliance with all Federal, State and local fair housing Fair---Housing requirements; and the promotion of the Development or Single-Family Development, including the use of mass media, public relations, brochures, signs, equipment and furnishings for model units and the rental office, and marketing staff.

- c) Contents of Management Plan. The management plan shall set forth the policies and procedures to be used in the management of the Development and shall, if applicable, address the qualifications of the managing agent, procedures for recruiting and supervising management personnel, and physical maintenance of the Development. Responsibility. The Owner---or Recipient shall be responsible for ensuring the marketing agent's and the managing agent's compliance with all applicable Federal, State and local ordinances, regulations, statutes, and Authority Rules, agreements, and requirements.

(Source: MAY 25 1994 at 18 Ill. Reg. _____, effective _____)

Section 360.803 Maintenance

- The Owner Recipient shall maintain the Development or Single-Fam---

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

Development, or cause the Development or Single-Family Development to be maintained, including without limitation, the dwelling units, commercial facilities, and grounds and equipment related to the Development or Single-Family Development, in a decent, safe, and sanitary condition, in a tenantable and rentable state of repair, and in compliance with applicable Federal, State, and local statutes, regulations, ordinances, standards and codes.

(Source: Amended at 18 Ill. Reg., effective MAY 25 1994)

Section 360.804 Cost of Service

The Owner Recipient shall not pay more for administrative, operating, and maintenance expenses than is reasonable given the location and size of the Development or Single-Family Development, the level of administration, operation, and maintenance required by the applicable Authority Rules and agreements, the requirements of the marketing plan, management plan, Participant Selection Plan, Tenant Selection Plan, the uniqueness or quality of available services or supplies, the presence of an emergency or other time constraint, the creditworthiness of suppliers and contractors, and any other relevant factors.

(Source: Amended at 18 Ill. Reg., effective MAY 25 1994)

SUBPART I: TENANTS AND OCCUPANCY

Section 360.901 Displacement

Recipients shall not cause the permanent displacement of any Tenants in a Development or Single-Family Development that receives Trust Fund ~~Monies~~ Monies for rehabilitation except as provided in Section 360.903 of this Part.

(Source: Amended at 18 Ill. Reg., effective MAY 25 1994)

Section 360.902 Relocation Plan

a) Approval. Before the Authority makes a Loan or Grant under the Program or at such other time as required by the Authority, the Authority ~~shall~~ may require the Applicant to submit, for the Authority's approval, a plan for the temporary relocation or permanent displacement of Tenants. In deciding whether to approve such plans, the Authority shall consider: the purposes of the Program; the provisions of the Tenant Selection Plan or Participant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

b) Benefits Provided For in the Relocation Plan. The benefits provided

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

for under in the relocation plan shall be available only to lawful residential Tenants (not owner-occupants or businesses) who are temporarily relocated or permanently displaced following submission of the Applicant's application for Trust Fund ~~Monies~~ Monies or Applicant's control of the site, whichever comes later. The benefits provided for under the relocation plan shall not be available to Tenants if: the Tenant commences occupancy after the Applicant's application for Trust Fund ~~Monies~~ Monies or Applicant's control of the site, whichever comes later, provided such Tenant receives written notice of the impending rehabilitation and possible relocation or displacement prior to executing the lease; the Tenant has his/her tenancy terminated for violations of the terms and conditions of the lease, a violation of applicable Federal, State or local law, or other good cause; the Tenant is rejected for continued occupancy by the Applicant Recipient for reasons stated in the Tenant Selection Plan or Participant Selection Plan; the Tenant moves from the Development or Single-Family Development of his/her own accord or moves from the Development or Single-Family Development after receiving written notice of the impending rehabilitation; or other good cause exists to deny benefits as determined by the Authority. However, Tenants who are rejected by Applicant Recipient for continued occupancy in the Development or Single-Family Development for reasons concerning family size restrictions or inability to afford rent levels charged after rehabilitation shall be eligible for permanent displacement benefits under the relocation plan.

c) Contents of the Relocation Plan. The relocation plan shall set forth the policies and procedures to be used by the Applicant in temporarily relocating or permanently displacing Tenants including, but not limited to: provisions detailing the responsibilities of the Authority, the Applicant and, if applicable, its managing agent; the basic actions to be taken in the relocation program; the acceptance and rejection criteria for determining eligibility for temporary relocation and permanent displacement benefits; the information to be provided to Tenants regarding the relocation program; provisions providing for determining Tenants' relocation needs; a description of relocation benefits; and, provisions detailing the implementation of the relocation plan, including a timetable for activities under the plan.

d) Enforcement of Relocation Plan. The Recipient is responsible for assuring that all the relocation requirements are met. The Authority, except in those cases where another governmental agency has a regulatory requirement to do so, will monitor the relocation activities to determine compliance with the requirements of this Section. To enforce the provisions of this Section, the Authority may take whatever action is available under this Subpart I or the Loan or Grant documents, including the withholding of any Trust Fund ~~Monies~~ Monies due Recipient.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

MAY 25 1994

Section 360.903 Tenant Selection Plan and Participant Selection Plan

Before making a loan, grant or any other allocation under the Program, the Authority shall approve, where applicable, a Tenant Selection Plan or Participant Selection Plan submitted by the Applicant and setting forth the income limits for tenants. In approving the Tenant Selection Plan or Participant Selection Plan, the Authority shall consider whether the selection procedures will be equitable considering the family size and circumstances of the tenant; maintain the financial stability of the Development or Single-Family Development; meet the requirements of Section 360.905 of this Part; and comply with the Authority's Rules.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

Section 360.904 Income and Rent Housing Expense Limits

a) A Tenant's initial occupancy of a unit held available for rental to Low-Income Households and Very Low-Income Households shall be limited to persons and families initially meeting the income limits set forth in subsection (b) below. If a Tenant meeting income requirements at the time of initial occupancy subsequently fails to continue to meet such requirements, that failure shall not constitute non-compliance by that Tenant.

b) Determination of Income Limits

1) For all units in a Development, or a Single-Family Development, reserved for Low-Income Households, the income limits shall be equal to 80% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (Section 3--of the--Act). The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

2) For all units in a Development, or a Single-Family Development, reserved for Very Low-Income Households, the income limits shall be equal to 50% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437) (Section 3--of the--Act). The median income of the area of residence shall be attached to each application provided by the Authority and additionally shall be available upon request.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

3) The Owner Recipient shall obtain from each prospective Tenant intending to occupy a unit held available--for--tenant--to in a Development, or a Single-Family Development, reserved for Low-Income Households and Very Low-Income Households, and on an annual basis thereafter, a certification of income. The Owner Recipient shall submit such certification to the Authority by mail.

c) Determination of Rent Housing Expense Limits

1) For all units in a Development, or a Single-Family Development, reserved for Low-Income Households, Tenant(s) occupying--such units shall not be--charged incur, including a Utility Allowance, rent monthly housing expenses in excess of 30% of the maximum allowable income as set forth in subsection (b)(1) above. The amount allocated for the Utility Allowance shall be determined proposed by the Recipient Applicant and approved by the Authority.

2) For all units in a Development, or a Single-Family Development, reserved for Very Low-Income Households, Tenant(s) occupying--such units shall not be--charged incur, including a Utility Allowance, rent monthly housing expense in excess of 30% of the maximum allowable income as set forth in subsection (b)(2) above. The amount allocated for the Utility Allowance shall be determined proposed by the Recipient Applicant and approved by the Authority.

3) The Owner Recipient shall submit on an annual basis the rent schedule for the Development reflecting the actual rents being charged at the Development.

4) No person or family shall be required to vacate or move from a unit in a Development or Single-Family Development reserved for Low-Income Households or Very Low-Income Households due to an increase in income exceeding the income limitations contained in this Subpart 1. The Owner Recipient may increase the rent for such units, for so long as the person or family's income exceeds such limits, to an amount not to exceed the fair market rent as determined by the Authority, determined by a market study of comparable rental units within a one half mile radius of the Development.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 25 1994)

Section 360.905 Non-Discrimination

Recipients shall not refuse to accept Tenants for occupancy solely because the Tenant receives governmental rental assistance, nor based on a prospective Tenant's race, national origin, ancestry, religion, creed, sex, age, familial or marital status, or disability, or unfavorable military discharge.

(Source: Amended at 18 Ill. Reg. _____, effective

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENT(S)

MAY 25 1994

SUBPART K: CERTIFICATIONS

Section 360.1101 Environmental Assessment

Prior to the making of a Loan or Grant under the Program, the Authority shall require the Applicant to have an conduct or authorize the Authority to cause to be conducted on the Applicant's behalf a Phase I environmental assessment review, certified to the Authority, of the proposed development undertaken by an environmental consultant approved in advance by the Authority if the Applicant requests a loan secured by a first lien mortgage. The Authority may, at its election, commission such assessment. The environmental assessment shall, at a minimum, consist of a review of historic activities on the Real Estate and current conditions of the Real Estate which identifies potential problem areas violations of applicable environmental laws. If a review of the results of the Phase I environmental assessment disclose the presence of any hazardous substance as described at Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601(14)), or any other adverse environmental conditions, as determined by the Authority, then the Authority may deny the application or the funding of the Loan or Grant. The Authority may elect, as a condition to further review of the application or to the making of the Loan or Grant, as the case may be, that the Applicant the Authority shall have conducted conduct or authorize the Authority to conduct on the Applicant's behalf a Phase II a more comprehensive environmental assessment certified to the Authority by an environmental consultant approved in advance by the Authority. This Phase II assessment may consist of sampling, lab analysis and an estimate of the magnitude of environmental problems, as well as costs involved in site cleanup. The Applicant shall pay the costs of all such assessments, and the costs may, at the sole discretion of the Authority, be payable out of Loan or Grant proceeds.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

Section 360.1102 Environmental Barriers Other Laws

All Developments receiving assistance from the Trust Fund for construction and rehabilitation shall comply with the provisions of the Environmental Barriers Act (111 Rev. Stat. 1987, ch. 111-172, para. 3711) (410 ILCS 25), and the Illinois Accessibility Code (71 Ill. Adm. Code 400), the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), Executive Order for the Reduction of Earthquake Hazards (Executive Order 90-2), the Historic Preservation Act (20 ILCS 3410), and all other local, State and Federal laws, as applicable.

(Source: Amended at 18 Ill. Reg. _____, effective
MAY 25 1994)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 2950

3) Section Numbers: Adopted Action:

2950.10	Amended
2950.20	Amended
2950.30	Amended
2950.40	Amended
2950.50	Renumbered, New Section
2950.60	New Section
2950.70	New Section
2950.80	New Section
2950.90	Amended
2950.100	Amended
2950.110	Amended
2950.120	Amended
2950.200	Amended
2950.210	Amended
2950.220	Amended
2950.230	Amended
2950.240	Amended
2950 Appendix A	Renumbered, New Section
2950 Appendix B	Renumbered, Amended

4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140 et seq.] and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

5) Effective Date of Rule Amendments: MAY 25 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rule amendment contain incorporation by reference? No.

8) Date Filed in Agency's Principal Office: MAY 25 1994

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

- 9) Notice of Proposal Published in Illinois Register: This is an internal rule and the publication of a first notice in the Illinois Register is not required.
- 10) Has JCAR issued a Statement of Objections to these rules?: No, this is an internal rule.
- 11) Differences between proposal and final version: Not applicable.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.
- 13) Will this rule amendment replace an emergency rule or amendment currently in effect?
No.
- 14) Are there any amendments pending in this Part? No.
- 15) Summary and Purpose of Rule Amendments: These are primarily non-substantive amendments to the organizational rules of the Low-Level Radioactive Waste Task Group, including public information and rulemaking issues. The amendments also add rules regarding submission of documents, appearances, and photocopying fees.
- 16) Information and questions regarding this adopted rule shall be directed to:

Robert W. Wagner and Associates, P.C., legal counsel
133 South Fourth Street, Suite 306 (Street Zip Code: 62701)
P.O. Box 5428
Springfield, IL 62705
(217) 523-4423 - office
(217) 523-4366 - facsimile

The full text of the Adopted Amendments begins on the next page:

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENT ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LVI: LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

PART 2950

INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
2950.10	Applicability and Scope
2950.20	Definitions
2950.30	Access to Information
2950.40	Public Information Requests and Submissions
2950.50	Photocopying Fees
2950.60	Submission of Documents
2950.70	Form of Documents
2950.80	Appearances and Withdrawals
2950.90 2950.90	Meetings of the Task Group

SUBPART B: RULEMAKING

Section	
2950.100	Rulemaking Procedures
2950.110	Public Petitions for Rulemaking
2950.120	Hearings on Rulemaking

SUBPART C: ORGANIZATION AND ACTION

Section	
2950.200	Organization
2950.210	Task Group Action
2950.220	Amendment of <u>Organization Rules</u> this Part
2950.230	Work Plan
2950.240	Unspecified Matters

2950. Appendix A: Example of Document Format

~~2950. Appendix A~~Appendix B: Chart of Organization of the Task Group

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140 *et seq.*] and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 18 Ill. Reg. 5889, effective April 5, 1994; amended at 18 Ill. Reg. _____, effective MAY 2 5 1994, 1994.

NOTE: Capitalization denotes §statutory language.

SUBPART A: PUBLIC INFORMATION

Section 2950.10 Applicability and Scope

- a) This part implements mandates contained in the Illinois Low-Level Radioactive Waste Management Act, [420 ILCS 20/10.2], which provides that in order to ~~to~~ protect the public health, safety and welfare, the Low-Level Radioactive Waste Task Group ~~shall develop proposed criteria for selection of a site for a facility for the disposal of low-level radioactive waste away from the point of generation~~ TASK GROUP SHALL DEVELOP PROPOSED CRITERIA FOR SELECTION OF A SITE FOR A FACILITY FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE AWAY FROM THE POINT OF GENERATION. ADOPTION OF THE CRITERIA IS NOT SUBJECT TO THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT. [420 ILCS 20/10.2(b)]. The Low-Level Radioactive Waste Task Group shall accept public comments on the proposed criteria and adopt final criteria following review of the public comments on the proposed criteria. The Task Group ~~shall~~ also shall hold public meetings on at least three sites to determine whether the sites satisfy the criteria.

- b) This Part sets out the opportunities for public involvement and participation in the various functions of the Task Group in its role in the fulfillment of the State's obligation to its citizens to provide for the safe management of low-level radioactive waste produced within its borders.

- c) This Part applies to any persons seeking information from or submitting comments to the Task Group. It also applies to the Task Group in carrying out the mandates of the Act.

(SOURCE: Amended at 18 Ill. Reg. _____, effective MAY 2 5 1994, 1994.)

Section 2950.20 Definitions

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

As used in this Part, the following terms shall mean:

"Act" means the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].

"Chairman" means the Chairman of the Low-Level Radioactive Waste Task Group.

"Document" means notice, affidavit, memorandum, brief, petition, or other paper or combination of papers required or permitted to be submitted.

"FOIA" means the Illinois Freedom of Information Act [5 ILCS 140 *et seq.*].

"IDNS" means the Illinois Department of Nuclear Safety.

"Material" means any substantive issue that is of consequence to the determination of a proceeding.

"Participant" means any person, not including the Task Group members, who takes part in any matter pending before the Task Group. A person becomes a participant in any of several ways, including, but not limited to, filing submitting a comment, being added to the notice list of a particular proceeding, or testifying at a meeting or hearing.

"Person" includes, but is not limited to, any individual, partnership, company, corporation, political subdivision, or state agency.

"Task Group" means the members of the Low-Level Radioactive Waste Task Group.

"Undue delay" means delay which is unwarranted, unjustified, improper, or is more delay than necessary.

(SOURCE: Amended at 18 Ill. Reg. _____, effective MAY 2 5 1994, 1994.)

Section 2950.20 Definitions

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

Section 2950.30 Access to Information

- a) The public can obtain information on subjects, programs or activities of the Task Group by contacting the Chairman in writing, as provided in Section 2950.40. Certain records may be exempted from disclosure under the FOIA.
- b) For the creation of press releases, the Task Group will follow the procedure in the document entitled "Development and Approval Process for Task Group Press Releases," incorporated herein by reference, which shall be made available to the public upon written request to the Chairman as provided in Section 2950.40.

- c) Submission, inspection, and copying of documents may be done from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for national and state legal holidays.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 25 1994, 1994.)

Section 2950.40 Public Information Requests and Submissions

- a) All files created or received in the execution of the Task Group's responsibilities under the Act shall be open to public inspection and copying as provided by ~~law~~ the FOIA.

- b) ~~Any person may submit a specific written request to inspect or copy public records in accordance with the provisions of the FOIA. The request should identify or describe the public records or information contained therein. The requestor shall state whether the request is for inspection of public records, copies of public records or both. Files shall be maintained by the Task Group containing all information submitted to or produced by the Task Group or any of its members relating to matter within the Task Group's authority. Without limiting the foregoing, the files shall include: notices, minutes, transcripts, exhibits, orders and opinions proposed and adopted regulations, communications to or from the Task Group or any Task Group member, any documents created by or submitted to the Task Group, business records, public comments and requests, and any internal communications files, if so requested by any Task Group member and with consent of the author of that communication. Files will be maintained at Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704.~~

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

- c) All files maintained by the Task Group will be open to reasonable public inspection and copying, except those exempted by the FOIA. The Task Group shall maintain a list of files open to public inspection.

- d) All requests made to the Task Group for public records shall be directed to the Chairman of the Task Group at the office of the Task Group's legal counsel, Robert E. Wagner and Associates, P.C., 133 South Fourth Street, Suite 306, Springfield, Illinois 62701.

- e) The Chairman may delegate the response to the person(s) familiar with, or having responsibility for, the information requested.

- f) The Chairman, or his designee, shall respond to a written request within seven working days from receipt of the request. The time for response may be extended for up to seven additional working days for any of the responses provided in Section 3(d) of the FOIA. Notice of any extension shall be provided within the original seven working days and shall state the reasons why the extension is necessary.

- g) Categorical requests creating an undue burden upon the Task Group shall be denied only after extending to the requestor an opportunity to narrow the request to manageable proportions in accordance with Section 3(f) of the FOIA, which reads as follows: REQUESTS CALLING FOR ALL RECORDS FALLING WITHIN A CATEGORY SHALL BE COMPLIED WITH UNLESS COMPLIANCE WITH THE REQUEST WOULD BE UNDULY BURDENSOME FOR THE COMPLYING Task Group AND THERE IS NO WAY TO NARROW THE REQUEST AND THE BURDEN ON THE Task Group OUTWEIGHS THE PUBLIC INTEREST IN THE INFORMATION. BEFORE INVOKING THIS EXEMPTION, THE Task Group SHALL EXTEND TO THE PERSON MAKING THE REQUEST AN OPPORTUNITY TO CONFER WITH IT IN AN ATTEMPT TO REDUCE THE REQUEST TO MANAGEABLE PROPORTIONS. IF THE Task Group RESPONDS TO A CATEGORICAL REQUEST BY STATING THAT COMPLIANCE WOULD UNDULY BURDEN ITS OPERATION AND THE CONDITIONS DESCRIBED ABOVE ARE MET, IT SHALL DO SO IN WRITING, SPECIFYING THE REASONS WHY IT WOULD BE UNDULY BURDENSOME AND THE EXTENT TO WHICH COMPLIANCE WILL SO BURDEN THE OPERATIONS OF THE Task Group. SUCH A RESPONSE

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

SHALL BE TREATED AS A DENIAL OF THE REQUEST FOR INFORMATION. REPEATED REQUESTS FOR THE SAME PUBLIC RECORDS BY THE SAME PERSON SHALL BE DEEMED UNDULY BURDENSOME UNDER THIS PROVISION. [5 ILCS 140/3(f)]

~~g) The Chairman may charge fees to reimburse the Task Group's actual cost for reproducing the records requested, except that no fee will be charged for copies of documents that are produced by the Task Group for distribution without charge to the general public as stipulated by Section 10.2 (b) and (c) of the Act. Charges for copies of public records shall be assessed at ten cents per page for paper copy from paper originals (8-1/2 by 11 or 8-1/2 by 14) and fifty cents per page for computer printout (paper). The fees for reproducing records in a form not listed above (e.g., computer tapes, video tapes, maps, etc.) will be the actual cost of reproducing such records incurred by the Task Group. If the requestor asks that copies of the public records be sent to him/her, postal charges shall be assessed at the actual rate charged to the Task Group.~~

b) The Chairman may require payment of any fees due prior to providing copies of the public records. Any fees collected pursuant to the FOIA for costs of copying shall be deposited into the General Revenue Fund.

i) If a request, or part thereof, is denied, the denial shall be accompanied by, or include, notice of the requestor's right to appeal and an explanation for the procedures for appeal pursuant to Section 9 of the FOIA. The requester's right to appeal shall be to the Chairman of the Task Group. Failure to respond to a written request within seven working days may be considered by the requestor as a denial.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.50 Photocopying Fees

a) The Chairman may charge fees to reimburse the Task Group's actual cost for reproducing the records requested, except that no fee will be charged for copies of documents that are produced by the Task Group for distribution without charge to the general public as stipulated by Section 10.2(b) and (c) of the Act. Charges for copies of public records shall be assessed at ten cents per page for paper copy from paper originals (8-1/2 by 11 or 8-1/2 by 14) and fifty cents per page for computer

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

printout (paper). The fees for reproducing records in a form not listed above (e.g., computer tapes, video tapes, maps, etc.) will be the actual cost of reproducing such records incurred by the Task Group. If the requestor asks that copies of the public records be sent to him/her, postal charges shall be assessed at the actual rate charged to the Task Group.

b) The Chairman may require payment of any fees due prior to providing copies of the public records. Any fees collected pursuant to the FOIA for costs of copying shall be deposited into the General Revenue Fund.

c) The Task Group will contract for any copying that would impose a substantial administrative burden on the Task Group. The person requesting such copies will be charged the reproduction charges incurred by the Task Group.

d) Requests for copies will be honored in as timely a manner as possible. Requests for copies by mail will be honored. However, the Task Group reserves the right to charge the requesting party for the mailing costs incurred by the Task Group.

e) Copies of the proposed criteria and final adopted criteria for selection of a disposal site and the report on state-wide screening of voluntary sites will be made available to the public without charge, as required by the Act.

f) Photocopying fees may be paid by money order or check. Cash payments will not be accepted.

g) All check and money orders shall be made payable to the Illinois Low-Level Radioactive Waste Task Group.

h) No refunds will be made of any fees paid for photocopying services.

(SOURCE: Former section 2950.50 renumbered to section 2950.90, new section adopted at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.60 Submission of Documents

a) Documents and requests for consideration to be submitted to the Task Group shall be addressed and mailed to or submitted at:

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

Dr. Richard G. Semonin
Chairman, Low-Level Radioactive Waste Task Group
c/o Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

- b) Submissions received after 4:30 p.m. will be date-stamped the following business day.
- c) Documents may be submitted by certified, registered, or First Class mail, by messenger service or overnight mail service or personally at the address in subsection (a) above. Submissions by electronic transmission, such as telefax machine or computer modem, will not be accepted, except when specifically requested by the Task Group.
- d) The time of submission of documents will be the date on which they are date-stamped, unless date-stamped after any due date. If received after any due date, the time of mailing shall be deemed the time of submission.
- e) Notwithstanding subsection (d) above, the Task Group may accelerate a submission schedule to prevent undue delay, upon written notice to the participants. The notice will specify a date by which the document must be received by the Chairman.
- f) Any person may submit written comments on any matter under consideration by the Task Group at least ten (10) days prior to the Task Group's next scheduled meeting, unless otherwise specified by the Task Group. Comments shall be submitted to the Task Group in the same manner as other documents, in accordance with this Part. Comments that are not timely submitted will not be considered, except as allowed by the Task Group to prevent material prejudice. Additional or supplementary comments on matters heard at a prior Task Group meeting shall be submitted within ten (10) days of the conclusion of that meeting.
- g) Except as otherwise provided, the original and nine (9) copies of all documents shall be submitted.

(SOURCE: added at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

Section 2950.70 Form of Documents

- a) Documents shall clearly show the date and time of the meeting or hearing during which they are to be considered. Appendix A of this Part sets forth an example of the proper format. Documents shall bear a heading which clearly describes the nature of the document, such as, but not limited to, "Scientific Study," "Petition for Consideration," "Public Comment," or "Request for Waiver of Document Form."
- b) Documents, excluding exhibits, may be either handwritten or typewritten or reproduced from typewritten copy, and if typewritten shall be double-spaced on white paper measuring 8-1/2" x 11". Reproductions may be made by any process that produces legible black-on-white copies.
- c) Exhibits, where possible, shall be reduced to conform to the size requirements of subsection (b). However, one non-conforming copy may be submitted.
- d) The requirements of subsections (b) and (c) above and of subsection (g) of section 2950.60 may be waived by the Task Group upon written request. A request for a waiver of document form shall be presented to the Task Group accompanied by affidavits necessary to verify any factual assertions contained in the request. If the Task Group finds that compliance with the submission requirements would impose an undue burden, the Task Group will grant the request.
- e) The original of each document submitted shall be signed by the party or by its authorized representative. All documents shall bear the home or business address and telephone number of the party submitting the document. Any document that does not conform to this subsection will not be accepted for submission.
- f) Except as otherwise provided by Sections 1 through 4 of "AN ACT in relation to the reproduction of public records on film and the destruction of records so reproduced" [5 ILCS 170/1 et seq.], or by leave of the Task Group, documents on microfiche are not acceptable for submission.

(SOURCE: added at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

Section 2950.80 Appearances and Withdrawals

- a) Any participant in Task Group proceedings shall appear as follows:
- 1) A natural person in his own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both.
 - 2) A corporation, through any officer, employee, or representative, or by an attorney at law licensed and registered to practice in the State of Illinois, or both.
 - 3) Any other person, including a unit of local government, through any officer, employee, or representative, or by an attorney at law licensed and registered to practice in the State of Illinois, or both.
- b) Attorneys not licensed and registered to practice in the State of Illinois may request to appear on a particular matter by submitting a request with the Task Group.
- c) An attorney appearing in a representative capacity shall submit a written notice of appearance with the Task Group.
- d) An attorney who has appeared in a representative capacity and who wishes to withdraw from that representation shall submit a notice of withdrawal to the Task Group.

(SOURCE: added at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.90 Meetings of the Task Group

- a) Meetings of the Task Group shall be called by the Chairman. Meetings shall be scheduled as far in advance as practicable. All meetings shall be scheduled in accordance with the provisions of the Open Meetings Act. [5 ILCS 120/1.01 et seq.]
- b) If a change is made in meeting dates, at least 10 days notice of such change shall be given by publication in a newspaper of general circulation, with notice of such

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

- change posted at the meeting site and supplied to those media that have requested annual information.
- c) Public notice of all meetings or reconvened meetings, shall be given at least 24 hours before such meetings, except that public notice of reconvened meetings does not apply to any case where the meeting is to be reconvened within 24 hours, nor to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.
- d) Robert's Rules of Order shall govern the conduct of all meetings of the Task Group.
- e) The Chairman or his designee shall be responsible for all records, reports and files of the Task Group.
- f) The Chairman or his designee shall state at the beginning of the public meeting/hearing the manner in which the meeting/hearing will be conducted. The members of the Task Group shall be permitted to question anyone who testifies at the meeting. The Chairman may set time limits on submission of oral testimony and may request interested persons to register as a proponent or opponent and to testify in that order, so that persons representing a particular stand on the issues can present their comments sequentially, in order to make consideration of the issues easier. The Chairman may vary the order in which persons will testify for the convenience of witnesses who have time constraints.

(SOURCE: Section 2950.90 renumbered from section 2950.50 and amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

SUBPART B: RULEMAKING

Section 2950.100 Rulemaking Procedures

- a) The Task Group may initiate rulemaking procedures in accordance with the applicable provisions of the Illinois Administrative Procedure Act [5 ILCS 100/5-151] on its own initiative, as necessary ~~in order~~ to further the purposes of the Task Group.

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

b) ~~Rates~~ Proposed rulemaking shall be voted upon by the Task Group in accordance with standard parliamentary procedure at open public meetings and Section 2950.210.

c) The Task Group will follow the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Rulemaking Procedures for Codification [1 Ill. Adm. Code 100] of the Office of the Secretary of State.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 25 1994, 1994.)

Section 2950.110 Public Petitions for Rulemaking

Public petitions for rulemaking must be submitted in writing to the Chairman of the Task Group as provided in Section 2950.60(a). Such petitions will be reviewed by the Chairman or his designee, and all petitions will be submitted to the members of the Task Group for their consideration.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 25 1994, 1994.)

Section 2950.120 Hearings on Rulemaking

a) The Chairman may convene hearings on rules proposed by the Task Group whenever the interest of the State would be best served by such proceedings in order to establish a record of public comment. The Task Group shall keep a complete and accurate record of all hearings including the votes of individual members on all matters before it. Such hearings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120/1.01 *et seq.*]. ~~Notice and opportunity for public comment will be provided in accordance with the general rulemaking provisions of the Illinois Administrative Procedure Act.~~

b) Notice of a rulemaking hearing and opportunity for public comment shall be given in accordance with the Illinois Open Meetings Act [5 ILCS 120/1.01 *et seq.*] and the Illinois Administrative Procedure Act [5 ILCS 100/5-15]. The notice shall include the date, time and place of the proceedings.

c) Any person may record the proceedings at ~~meeting~~ any hearing by tape, film or other means. The Task Group may prohibit such recording during the testimony

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

of any person at a rulemaking hearing in accordance with the provisions of Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05]. Minutes of rulemaking hearings shall be available for public inspection within seven days after approval by the Task Group at 1035 Outer Park Drive, Springfield, Illinois.

d) The Chairman or his designee shall ~~state at the beginning of the public meeting/hearing the manner in which the meeting/hearing will be conducted. The members of the Task Group shall be permitted to question anyone who testifies at the rulemaking hearing. The Chairman may set time limits on submitting oral testimony and may request interested persons to register as a proponent or opponent and testify in that order so that persons representing a particular stand on the issues can present their comments sequentially in order to make consideration of the issues easier. The Chairman may vary the order in which persons will testify for the convenience of witnesses who have time constraints determine the procedure for conducting hearings in the same manner as that described in Section 2950.90(f).~~

e) Any person may submit written comments at a rulemaking hearing without registering to testify. Such comments shall be signed by the person making the submission and submitted in the form described in Section 2950.70.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 25 1994, 1994.)

SUBPART C: ORGANIZATION AND ACTION

Section 2950.200 Organization

a) The Task Group consists of nine members and one *ex officio* member appointed by the Governor with the consent of the Senate. The Chairman of the Task Group is designated by the Governor. The members shall receive compensation of \$300 per day for their services on the Task Group unless they are officers or employees of the State, in which case they shall receive no additional compensation, except that travel expenses will be reimbursable in accordance with the State's Travel Reimbursement policy. The members of the Task Group shall be members until they resign, are replaced by the Governor or the Task Group is abolished. An organizational chart of the Task Group is attached as Appendix ~~A B~~.

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

- b) Administrative and secretarial support will be provided to the Task Group by the Illinois Department of Nuclear Safety, as described in the document "IDNS Support for the Illinois Low-Level Radioactive Waste Task Group," incorporated herein by reference, which shall be made available to the public upon written request to the Chairman as provided in Section 2950.40.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.210 Task Group Action

- a) A quorum shall consist of five members. A quorum shall be required to conduct any business of the Task Group.
- b) Any action taken by the Task Group under the Illinois ~~Low-Level Radioactive Waste Management~~ Act shall require the affirmative vote of a majority of all of the members. Unless otherwise provided therein, such action shall take effect immediately.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.220 Amendment of ~~Organizational Rules~~ this Part

~~These Organizational Rules~~ This Part may be amended at any meeting by a majority of the members ~~present~~, in accordance with Section 2950.210, provided that the proposed amendment shall have been distributed to the members at least five business days prior to such meeting. Any amendment shall be effective immediately upon filing a certified copy of the amendment with the Secretary of State.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.230 Work Plan

The Task Group shall create a Work Plan, which shall outline the tasks to be completed by the Task Group in working toward its goal and the person or persons responsible for each task, ~~and which~~. The Work Plan shall be revised from time to time as needed. The Work Plan shall be made available to the public upon written request to the Chairman as provided in Section 2950.40, and efforts will be made to distribute it widely.

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

Section 2950.240 Unspecified Matters

All matters not specified by ~~these Organizational Rules~~ this Part shall be governed by the Illinois ~~Low-Level Radioactive Waste Management~~ Act, the ~~Freedom of Information Act~~ FOIA, the Open Meetings Act, [5 ILCS 120/1.01 *et seq.*] the Illinois Administrative Procedure Act [5 ILCS 100/5-15], and the latest edition of Robert's Rules of Order whenever applicable.

(SOURCE: Amended at 18 Ill. Reg. ____, effective MAY 2 5 1994, 1994.)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

Section 2950. Appendix A Example of Document Format

ILLINOIS LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

January 1, 1994 Meeting
12:00 p.m.

PUBLIC COMMENT

[Give the substance of the comment or other matter submitted]

Submitted by:

/s/

John Doe
Interested People, Inc.
123 Main St.
Anywhere, IL 12345
(217)555-5555

(SOURCE: Former section 2950. Appendix A renumbered to 2950. Appendix B, new section added at 18 Ill. Reg. ___, effective MAY 25 1994, 1994.)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

NOTICE OF ADOPTED AMENDMENT

Section 2950. Appendix B Chart of Organization of the Task Group

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

CHAIRMAN

TASK GROUP MEMBERS

NOTE: The Illinois Low-Level Radioactive Waste Management Act requires that the 9 voting members of the Task Group represent the following:

- Director of the Environmental Protection Agency
- Director of the Department of Energy and Natural Resources
- Director of the Department of Nuclear Safety*
- Field of geology, hydrogeology or hydrology (4 members)
- Experience in environmental matters (1 member of the public)
- Five years of experience in local government (1 member)

*The Director of the Department of Nuclear Safety shall serve as a voting member until adoption of the criteria. Upon adoption of the criteria, the Director of the Department of Nuclear Safety shall be replaced on the Task Group by a member designated by the Governor and confirmed by the Senate, at which time the Director of the Department of Nuclear Safety shall become an *ex officio* member. The Governor's designee will serve as an *ex officio* member until the adoption of the criteria, at which time she shall become a voting member.

(SOURCE: Section 2950. Appendix B renumbered from former section 2950. Appendix A at 18 Ill. Reg. ___, effective MAY 25 1994, 1994.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers: Adopted Action:

112.140 Amendment
 112.151 Amendment
 112.300 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/Art. 12-13]5) Effective Date of Amendments: June 1, 19946) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: June 1, 19949) Notice of Proposal Published in Illinois Register:

February 18, 1994 (17 Ill. Reg. 2587)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No11) Differences between proposal and final version: In Section 112.140(b), the word "their" was replaced by "his or her". No other substantive changes were made to the text of the amendments.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Amendments replace Emergency Amendments currently in effect? No14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.70	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.71	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.72	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.74	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.76	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.77	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.78	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.79	Amendment	February 25, 1994 (18 Ill. Reg. 2753)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: The U. S. Department of Health and Human Services is involved in projects called "Healthy Start". In Illinois, the "Healthy Start" Project is conducted by the Department of Public Health. The "Healthy Start" Project is only conducted in Cook County.

Sections	Proposed Action	Illinois Register Citation
112.80	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.81	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.82	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.82	Amendment	May 13, 1994 (18 Ill. Reg. 7208)
112.83	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.84	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.85	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.98	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.110	Amendment	March 25, 1994 (18 Ill. Reg. 4546)
112.151	Amendment	March 25, 1994 (18 Ill. Reg. 4546)

One of the activities conducted under these projects is a survey of community health needs that is conducted by workers from the community who are hired "short-term". The Department of Health and Human Services is allowing states to exempt these earnings as both income and assets for AFDC clients. The Department of Public Aid has agreed to exempt these earnings.

These amendments establish an income and asset exemption for the "Healthy Start" Project. As a result of these amendments, clients who are employed under "Healthy Start" are eligible to have their earnings from that employment exempted for a period of three consecutive months. Assets accumulated from income earned through employment under the federal "Healthy Start" Project are also exempted.

AFDC clients who are employed under "Healthy Start" will be eligible to have their earnings from the employment exempted for a period of three consecutive months. For these AFDC clients, the earnings are exempt for AFDC and food stamps. For non-AFDC clients (e.g. food stamp only cases, MANG cases, etc.) these earnings are not exempt. Any exempt earnings received during the three month period which the client saves are exempt as an asset for as long as they exist. The money is exempt as an asset for all programs. This asset exemption only applies as long as the client remains on AFDC. If a client is cancelled, upon reapplication, the asset is no longer exempt.

The "Healthy Start" Project begins January 1994 and runs through September 1996. Each client is eligible to have their earnings exempted for one three-month period only. Earnings received after the one-time only three consecutive month period are not exempt.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

These amendments also define how to determine if an essential person is needy for AFDC purposes. The definition of an essential person is a needy relative whose presence in the home the caretaker relative states is essential to the well-being of the family. An individual is defined as needy if the individual's income minus employment deductions is less than a "per person" grant amount (i.e. payment level divided by the number in the assistance unit, including the essential person). An essential person may be added to the AFDC assistance unit.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
 112.1
 112.5

Description of the Assistance Program
 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.8
 112.9
 112.10
 112.20
 112.30
 112.40
 112.50
 112.52
 112.54
 112.60
 112.61
 112.62
 112.63
 112.64

Caretaker Relative
 Client Cooperation
 Citizenship
 Residence
 Age
 Relationship
 Living Arrangement
 Social Security Numbers
 Assignment of Medical Support Rights
 Lack of Parental Support or Care
 Death of a Parent
 Incapacity of a Parent
 Continued Absence of a Parent
 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
 112.70
 112.71
 112.72
 112.73
 112.74
 112.76
 112.77
 112.78
 112.79
 112.80
 112.81

Participation Requirements For Project Chance
 Individuals Exempt From Project Chance
 Project Chance Participation/Cooperation Requirements
 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
 Project Chance Initial Assessment Process/Development of an Employability Plan
 Project Chance Orientation
 Conciliation and Fair Hearings
 Project Chance Components
 Project Chance Sanctions
 Good Cause for Failure to Comply With Project Chance Participation Requirements
 Responsible Relative Eligibility For Project Chance

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.82 Project Chance Supportive Services
 112.83 Young Parents Program
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
 112.98

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section
 112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
 112.362 Additional Service to Secure or Maintain Child Care Arrangements
 112.364 Rates of Payment for Child Care
 112.366 Method of Providing Child Care
 112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
 112.406 Loss of Eligibility for Transitional Child Care
 112.408 Qualified Child Care Providers
 112.410 Notification of Available Services
 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. -4- IV and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. —, effective June 1, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.140 Exempt Earned Income

- a) The earned income of an individual receiving assistance as a dependent child is exempt if the child is:
 - a) A full-time student in a school (including vocational and technical) college or university approved by the Illinois Office of Education. Full time is defined as follows:
 - 1) High School - 25 clock hours per week or enrollment in a secondary education program of training which the school defines as full time attendance
 - 2) Vocational or Technical School - 30 clock hours per week when the program involves shop practice; 25 hours per week when the program does not involve shop practice
 - 3) College or University - 12 semester or quarter hours, or
 - a) A part-time student who is not employed 100 hours per month or more.
 - b) Clients who are employed under "Healthy Start" are eligible to have his or her earnings from that employment exempted for a period of three consecutive months. Each client is only eligible to have their earnings exempted for one three-month period. Earnings received after the one-time only three consecutive month period has expired are not exempt. The "Healthy Start" Project begins January 1994 and runs through September 1996. September 1996 is the last month in which earnings received under "Healthy Start" can be exempted. Any earnings received after September 1996 are not exempt.

(Source: Amended at 18 Ill. Reg. _____, effective June 1, 1994)

Section 112.151 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
 - 1) A home which is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile if the equity value does not exceed \$1500.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.151(a) (continued)

- 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).
- 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for children under the National School Lunch Act (42 U.S.C. 1751 et seq.), as amended.
- 7) The principal and interest of a trust fund which, upon petition, the court refuses to release and one time only payments released for a specific purpose other than income maintenance needs of the child.
- 8) Burial plots.
- 9) Prepaid Funeral Agreements worth \$1500 or less per person.
- 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
- b) In addition to the above, the following assets are exempt. These assets (listed in subsections (1) through (10) below) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset(s) until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.
 - 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
 - 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 U.S.C. 3045 et seq.), as amended.
 - 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4501 et seq.).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.151(b) (continued)

- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P. L. 92-254, P. L. 93-134 or P. L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), effective January 1, 1975, of the U.S. Housing Act of 1937, as amended.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribunal members of marginal land held by the United States government.
- 8) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (42 U.S.C. 4951 et seq.). These include:
 - A) Volunteers In Service To America (Vista) volunteers (42 U.S.C. 4951 et seq.).
 - B) Volunteers serving as senior health aids, senior companions, foster grandparents or persons serving in the Service Corps of Retired Executives (SCORE) (15 U.S.C. 637 et seq.) and Active Corps of Executives (ACE) (15 U.S.C. 637 et seq.).
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
- 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owed on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000 the case is to be referred to the Bureau of AFDC JOBS Administration for review to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.151(b)(13) (continued)

- 11) Any payments received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).
- 12) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Healthy Start" Project.

(Source: Amended at 18 Ill. Reg. _____, effective June 1, 1994)

SUBPART I: OTHER PROVISIONS

Section 112.300 Persons Who May Be Included in the Assistance Unit

- a) The assistance unit must include at least one eligible child.
 - 1) No more than two of the following individuals may also be included as adults:
 - 1)A) The caretaker relative;
 - 2)B) The parent of an eligible child;
 - 3)C) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home; or
 - 4)D) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.
 - 2) An individual is defined as needy if the individual's income minus employment deductions, if appropriate, is less than a "per

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.300(a)(5) (continued)

- person" grant amount (i.e., payment level divided by the number in the assistance unit, including the essential person).
- b) In order for an assistance unit to be eligible, an application with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:
- 1) Any natural or adoptive parent of the dependent child; and
 - 2) Any blood-related or adoptive brother or sister of the dependent child.
- c) The eligibility of a child in an Assistance unit depends on that child's lack of parental support or care. All eligible dependent children, blood related siblings and stepchildren in a family unit shall be included in a single case.
- d) 1) A pregnant woman, who would be eligible for AFDC when the child is born, may receive assistance as an Adult only. Financial assistance is limited to the last four months of pregnancy.
- 2) A pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in an AFDC case is not eligible for cash assistance as an Adult only pregnant woman.
- e) The caretaker relative(s) of a child receiving SSI who would otherwise be eligible for AFDC, may receive assistance as an Adult only case.

(Source: Amended at 18 Ill. Reg. _____, effective June 1, 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
120.20 Amendment
120.30 Amendment
- 4) Statutory Authority: Sections 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/Art. 12-13]
- 5) Effective Date of Amendments: June 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1994
- 9) Notice of Proposal Published in Illinois Register:
December 31, 1993 (17 Ill. Reg. 22321)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes were made to the text of the amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.30	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.345	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	March 18, 1994 (18 Ill. Reg. 4063)
120.386	Amendment	March 18, 1994 (18 Ill. Reg. 4063)
120.388	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.389	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.390	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: These amendments were proposed as a result of Public Act 88-90. Public Act 88-90 increased the payment levels for 2 and 3 person AFDC and SFCA cases that include an adult effective April 1, 1994. The MANG (AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The MANG(C) provisions are available for a pregnant woman, of any age, who would be eligible for AFDC or MANG(C) if the child had already been born.

This rulemaking increases the MANG(AABD) Income Standard and the MANG(C) Income Standard to coincide with the increase in the Aid to Families with Dependent children payment levels. As a result of these amendments, the MANG(AABD) Income Standard is increased and the MANG(C) Income Standard is increased as follows:

Family Size	Monthly Net Income
2	375
3	508

Companion amendments are also being proposed to Sections 111.20, 111.101, 112.252, 112.253, 112.254, 114.351, 114.352 and 114.353.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
 120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
 120.10
 120.11

Eligibility For Medical Assistance
 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.12
 120.20
 120.30
 120.31
 120.40
 120.50

MANG(AABD) Income Standard
 MANG(C) Income Standard
 MANG(P) Income Standard
 Exceptions To Use Of MANG Income Standard
 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD -

120.62

MANG(AABD) and All Other Licensed Medical Facilities
 Department of Mental Health and Developmental Disabilities (DMHDD)
 Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63

Department of Mental Health and Developmental Disabilities (DMHDD)
 Approved Home and Community Based Residential Settings

120.64

Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.65

Department of Mental Health and Developmental Disabilities (DMHDD)
 Licensed Community - Integrated Living Arrangements

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DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Low-Income Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)

Income From Work/Study/Training Program (Repealed)
Earned Income From Self-Employment (Repealed)
Earned Income From Roomer and Boarder (Repealed)
Earned Income In-Kind (Repealed)
Payments from the Illinois Department of Children and Family Services (Repealed)
Assets (Repealed)
Exempt Assets (Repealed)
Asset Disregards (Repealed)
Deferral of Consideration of Assets (Repealed)
Spend-down of Assets (AMI) (Repealed)
Property Transfers (Repealed)
Persons Who May Be Included in the Assistance Unit (Repealed)
Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support
Upon Finding Good Cause
Health Insurance Premium Payment (HIPP) Program
Health Insurance Premium Payment (HIPP) Pilot Program
Foster Care Program
Social Security Numbers
Unearned Income
Budgeting Unearned Income
Exempt Unearned Income
Education Benefits
Incentive Allowance
Unearned Income In-Kind
Court Ordered Child Support Payments of Parent/Step-Parent

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.345 Earmarked Income
 120.346 Medicaid Qualifying Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Assessment of Assets
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13) [305 ILCS 5/Arts. 3-4, 6-7, 7-13, IV, V, VI and VII and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. —, effective June 1, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: ASSISTANCE STANDARDS

Section 120.20	MANG(AABD) Income Standard	Number In Family	Monthly Net Income
		1	267 283
		2	333 375
		3	458 508
		4	517 558
		5	608 650
		6	683 733
		7	717 767
		8	750 808
		9	792 850
		10	833 900
		11	875 942
		12	925 992
		13	975 1042
		14	1025 1100
		15	1075 1158

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.20 (continued)

Number In Family	Monthly Net Income
16	1133 1217
17	1192 1283
18	1258 1350

- a) If the above number in the household exceeds the number provided above, add \$66 for each additional person.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG (AABD) Income Standard.
- c) The MANG (AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG (AABD) Standard are considered available for payment for medical care not provided in the facility.

d) MANG

- 1) A recipient residing in a DMHDD facility is allowed \$30.00 per month in lieu of any other MANG standard.
- 2) As soon as MANG (AABD) clients become residents of a DMHDD facility, a Skilled Nursing Facility, an Intermediate Care Facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.
- 3) When eligibility is based on being temporarily discharged from a DMHDD facility for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay the DMHDD for care and maintenance is to be allowed in addition to the \$30.00.
- 4) Clients in a long term facility are allowed deductions from their non-SSI income to meet the needs of their community spouse, dependent family members and dependent children under age 21 who do not reside with the community spouse. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.20(d)(4) (continued)

- spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:
- A) Community Spouse Maintenance Needs Allowance (as described at Section 120.61) if the deduction is for a spouse in the community;
- B) Family Maintenance Needs Allowance (as described in Section 120.61) if the deduction is for dependent family member(s) residing with the community spouse; and
- C) AFDC cash grant standard if the deduction is for dependent children under age 21 who do not reside with the community spouse.

(Source: Amended at 18 Ill. Reg. ____, effective June 1, 1994)

Section 120.30	MANG(C) Income Standard	Number In Family	Monthly Net Income
		1	283
		2	358 375
		3	492 508
		4	558
		5	650
		6	733
		7	767
		8	808
		9	850
		10	900
		11	942
		12	992
		13	1042
		14	1100
		15	1158
		16	1217
		17	1283
		18	1350

- a) If the number in the household unit exceeds the number provided above, add \$67.00 for each additional person.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 120.30 (continued)

- b) MANG(C) is available for a pregnant woman, of any age, who would be eligible for AFDC or MANG(C) if the child had already been born. If the woman is married and her spouse lives with her, her pregnancy does not make her spouse eligible for MANG(C). The pregnant woman and her spouse's income are combined and compared to the MANG standard for three persons even though only the pregnant woman is eligible to receive MANG(C) before the child's birth.
- c) If the case includes adults only, the MANG standard for one adult is \$283.00. The standard for two adults is ~~\$358.00~~ \$375.00. An unborn child is counted as a family member.
- d) When a child has earmarked income, other than State Supplemental Income (SSI), and the parent does not want this income applied to total family needs, the child is not to be included in the assistance unit. The family size used in the application of the MANG(C) Income Standards shall be reduced by one for each such child determined ineligible on this basis.
- e) When financial eligibility for MANG(C) is being determined for one child only, the income of the child in excess of \$283.00 a month is considered available to pay toward the child's medical expenses. The child shall be allowed an asset disregard in the amount for one client as stated in Section 120.382.
- f) If eligibility is being determined for more than one child, the MANG(C) Standard for number of people shall be used. Two children shall be allowed an asset disregard in the amount for a client and one dependent as stated in Section 120.382. Add \$50 for each additional child residing in the same household.

(Source: Amended at 18 Ill. Reg. _____, effective June 1, 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
 140.865 Amendment
 140.870 Amendment

4) Date Notice of Proposed Amendments Published in the Illinois Register:

March 25, 1994 (18 Ill. Reg. 4597)

5) Reason for the Withdrawal:

The Department recently proposed amendments to Sections 140.865 and 140.870 regarding the Medicaid Partnership Program. However, following publication of these amendments, program evaluation revealed that the Medicaid Partnership Program has not functioned on a cost effective basis. The program was a two year demonstration operated under the authority of a federal waiver, and federal regulations require such programs to be cost effective. Therefore, the federal waiver which is due to expire on June 30, 1994, will not be renewed.

It is necessary to withdraw the amendments which were published on March 25, 1994 at 18 Ill. Reg. 4597, because the Medicaid Partnership Program will conclude on June 30, 1994. Sections 140.865 and 140.870 will then be proposed for repeal along with the other Sections of the 89 Ill. Adm Code 140 which pertain to the Medicaid Partnership Program.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) The Notice of Proposed Rules being corrected appeared at 18 Ill. Reg. 5029, dated April 1, 1994.
- 4) The information being corrected is as follows:
The first page of the notice was duplicated on page 5030, and the second page of the notice was not published. The first and second pages are as follows:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Numbers: Proposed Action:
2090.20 Amended
2090.35 New Section
2090.40 Amended
2090.70 Amended
2090.100 Amended
2090.110 Amended
- 4) Statutory Authority: Section 5-10(a) (4) (H) of Public Act 88-80, 1993 (formerly 20 ILCS 304/4-101)
- 5) A Complete Description of the Subjects and Issues Involved:
The rule is being amended to assure the most cost effective use of government dollars for reimbursing subacute substance abuse treatment services for eligible clients and to assure that core substance abuse services reimbursable by the State continue to be available to the greatest number of persons in need of the services.

It places reasonable benefit parameters on reimbursable services. Parameters may be exceeded upon showing clinical necessity. The parameters are as follows: (1) adult outpatient service -- five client hours per week and 30 client hours per year; (2) intensive outpatient services -- 75 client hours per year, six to twenty client hours of service per week; (3) adult residential rehabilitation services -- 25 days per year; (4) adolescent residential rehabilitation services -- 60 days per year; (5) adolescent outpatient services -- 60 client hours per year; (6) detoxification services -- three days per episode; and (7) outpatient and intensive outpatient services delivered in a group setting shall consist of no more than twelve clients. These parameters and increased monitoring are expected to decrease annual aggregate expenditures by an estimated 4.5 million dollars.

The proposed amendment also adds reimbursement for case management services for the dually diagnosed. Additionally it clarifies physician review requirements, 16-bed certification criteria, and audit and enforcement responsibility.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 6) Will the proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporation by reference? No.
- 9) Are there any other amendments pending on this Part? Yes.

10) Statement of Statewide Policy Objectives: A Statement of Statewide Policy Objectives is not necessary.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons should address their written comments concerning these rules within (45) days to:

Nancy J. Bennett, General Counsel
Department of Alcoholism and Substance Abuse
James R. Thompson Center
100 W. Randolph Street, Suite 5-600
Chicago, IL 60601

The proposed changes will also be posted in substance abuse treatment facilities and local Public Aid offices (except that in Cook County they shall be posted at the Public Aid Office at 310 South Michigan Ave., Chicago).

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: for profit and not-for-profit individuals, corporations, or other entities that perform Medicaid reimbursable substance abuse treatment services.

B) Reporting, bookkeeping or other procedures required for compliance: No new reporting is required.

13) Types of professional skills necessary for compliance: No new or additional professional skills are necessary.

The full text of the Proposed Rule begins on the following page of this issue of the Illinois Register:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302 Subpart F, the following water quality criteria have been derived as follows. This listing includes only the water quality criteria that have been used during the period February 1, 1994 through April 30, 1994.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of criteria used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994 and 18 Ill. Reg. 4457, March 18, 1994.

Chemical: Acenaphthene Acute criterion: 124 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #83-32-9 Chronic criterion: 9.9 ug/l
Chemical: Acetone Acute criterion: 1,530 mg/l Date criteria derived: May 25, 1993 Applicable waterbodies: Not used during this period.	CAS #67-64-1 Chronic criterion: 122 mg/l
Chemical: Acetonitrile Acute criterion: 375 mg/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	CAS #75-05-8 Chronic criterion: 30 mg/l
Chemical: Acrylonitrile Acute criterion: 910 ug/l Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.	CAS #107-13-4 Chronic criterion: 73 ug/l
Chemical: Anthracene Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993 Applicable waterbodies: Not used during this period.	CAS #120-12-7
Chemical: Benzene Acute criterion: 5,200 ug/l Human health criterion (HNC): 21 ug/l Date criteria derived: August 15, 1990 Applicable waterbodies: Not used during this period.	CAS #71-43-2 Chronic criterion: 416 ug/l

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Benzo(a)anthracene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #56-55-3
Chemical: Benzo(a)pyrene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #50-32-8
Chemical: Benzo(b)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS # 205-99-2
Chemical: Benzo(k)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #207-08-9
Chemical: Carbon tetrachloride Acute criterion: 3,500 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.	CAS #56-23-5 Chronic criterion: 280 ug/l
Chemical: Chlorobenzene Acute criterion: 993 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	CAS #108-90-7 Chronic criterion: 79 ug/l
Chemical: Chloroform Acute criterion: 1,870 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #67-66-3 Chronic criterion: 150 ug/l

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Chrysene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #218-01-9
Chemical: 1,2-dichlorobenzene Acute criterion: 210 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #95-50-1 Chronic criterion: 16.8 ug/l
Chemical: 1,3-dichlorobenzene Acute criterion: 500 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	CAS #541-73-1 Chronic criterion: 196 ug/l
Chemical: 1,2-dichloroethane Acute criterion: 24,900 ug/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	CAS #107-06-2 Chronic criterion: 4,540 ug/l
Chemical: 1,1-dichloroethylene Acute criterion: 3,030 ug/l Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.	CAS #75-35-4 Chronic criterion: 242 ug/l
Chemical: 2,4-dichlorophenol Acute criterion: 631 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #120-83-2 Chronic criterion: 83.1 ug/l
Chemical: 1,2-dichloropropane Acute criterion: 4,800 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	CAS #78-87-5 Chronic criterion: 380 ug/l

ILLINOIS REGISTER
 ENVIRONMENTAL PROTECTION AGENCY
 NOTICE OF PUBLIC INFORMATION
 LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,3-dichloropropylene Acute criterion: 99 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.	CAS #542-75-6 Chronic criterion: 7.9 ug/l
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol Acute criterion: 28.8 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #534-52-1 Chronic criterion: 2.3 ug/l
Chemical: 2,4-dinitrophenol Acute criterion: 85.3 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #51-28-5 Chronic criterion: 4.07 ug/l
Chemical: 2,6-dinitrotoluene Acute criterion: 1,910 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	CAS #606-20-2 Chronic criterion: 153 ug/l
Chemical: Ethylbenzene Acute criterion: 216 ug/l Date criteria derived: August 15, 1990, revised May 17, 1991 Applicable waterbodies: 04040002-002/on Lake Michigan 05120114-011/off Salt Creek to Little Wabash River 07120004-007/off Chicago Sanitary and Ship Canal 07140101-007/off Mississippi River 05120114-004/off unnamed tributary to Fox River 07120003-006/off Little Calumet River 07130004-002/off Mackinaw River 07130012-002/off Macoupin Creek	CAS #100-41-4 Chronic criterion: 17.2 ug/l
Chemical: Fluoranthene Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #206-44-0
Chemical: Hexachlorobenzene Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #118-74-1

ILLINOIS REGISTER
 ENVIRONMENTAL PROTECTION AGENCY
 NOTICE OF PUBLIC INFORMATION
 LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachlorobutadiene Acute criterion: 34.5 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #87-68-3 Chronic criterion: 2.76 ug/l
Chemical: Hexachloroethane Acute criterion: 381 ug/l Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #67-72-1 Chronic criterion: 30.5 ug/l
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 434 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #78-83-1 Chronic criterion: 34.8 mg/l
Chemical: Methylene chloride Acute criterion: 17,200 ug/l Human health criterion (HNC): 340 ug/l Date criteria derived: January 21, 1992 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1,380 ug/l
Chemical: Methyleneethketone Acute criterion: 322,000 ug/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26,000 ug/l
Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 3.68 mg/l
Chemical: Naphthalene Acute criterion: 670 ug/l Date criteria derived: November 7, 1991 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Nitrobenzene Acute criterion: 15.4 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	CAS #98-95-3 Chronic criterion: 4.67 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Pyrene Human health criterion (HTC): 3,500 ug/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Tetrachloroethylene Acute criterion: 1,220 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 152 ug/l
Chemical: Tetrahydrofuran Acute criterion: 216,000 ug/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17,300 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Toluene Acute criterion: 8,080 ug/l Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993 Applicable waterbodies: 04040002-002/on Lake Michigan 05120114-011/off Salt Creek to Little Wabash River 07120004-007/off Chicago Sanitary and Ship Canal 07140101-007/off Mississippi River 05120114-004/off unnamed tributary to Fox River 07120003-006/off Little Calumet River 07130004-002/off Mackinaw River 07130012-002/off Macoupin Creek	CAS #108-88-3 Chronic criterion: 646 ug/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 353 ug/l Date criteria derived: December 14, 1993 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 69.2 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,910 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 393 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19,000 ug/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 3,540 ug/l
Chemical: Trichloroethylene Acute criterion: 11,700 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Xylenea

Acute criteria: 1,500 ug/l

Date criteria derived: August 23, 1990

Applicable waterbodies:

CAS # 1330-20-7

Chronic criterion: 117 ug/l

04040002-002/on Lake Michigan
 05120114-011/off Salt Creek to Little Wabash River
 07120004-007/off Chicago Sanitary and Ship Canal
 07140101-007/off Mississippi River
 05120114-004/off unnamed tributary to Fox River
 07120003-006/off Little Calumet River
 07130004-002/off Mackinaw River
 07130012-002/off Macoupin Creek

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 217/782-3362

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING

ROOM D-1

SPRINGFIELD, ILLINOIS

10:00 A.M.

JUNE 14, 1994

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
 700 Stratton Building
 Springfield, Illinois 62706

AGENDA**I. Approval of May 17, 1994 Minutes****II. Review of Proposed Agency Rulemaking**Aging

1. Long Term Care Insurance Partnership Demonstration Program (89 Ill Adm Code 260)
 - First Notice Published: 18 Ill Reg 3802 - 3/18/94
 - Expiration of Second Notice Period: 7/6/94

Agriculture

2. Meat and Poultry Inspection (8 Ill Adm Code 125)
 - First Notice Published: 18 Ill Reg 3809 - 3/18/94
 - Expiration of Second Notice Period: 6/29/94

Children and Family Services

3. Rate Setting (89 Ill Adm Code 356)
 - First Notice Published: 17 Ill Reg 10679 - 7/16/93
 - Expiration of Second Notice Period: 7/9/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDACommerce Commission

4. Minim Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill Adm Code 590)
-First Notice Published: 18 Ill Reg 2720 - 2/25/94
-Expiration of Second Notice Period: 7/6/94

Conservation

5. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)
-First Notice Published: 18 Ill Reg 3868 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

6. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (17 Ill Adm Code 570)

-First Notice Published: 18 Ill Reg 3853 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

7. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)
-First Notice Published: 18 Ill Reg 5065 - 4/1/94
-Expiration of Second Notice Period: 7/1/94

8. The Taking of Wild Turkeys - Fall Gun Season (17 Ill Adm Code 715)
-First Notice Published: 18 Ill Reg 3895 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

9. The Taking of Wild Turkeys - Fall Archery Season (17 Ill Adm Code 720)
-First Notice Published: 18 Ill Reg 3884 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

10. Dove Hunting Season (17 Ill Adm Code 730)
-First Notice Published: 18 Ill Reg 3830 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

11. Woodchuck, Snipe, Rail and Teal Hunting (17 Ill Adm Code 740)
-First Notice Published: 18 Ill Reg 3906 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

12. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830)
-First Notice Published: 18 Ill Reg 5372 - 4/8/94
-Expiration of Second Notice Period: 7/10/94

13. Consignment of Licenses (17 Ill Adm Code 2520)
-First Notice Published: 18 Ill Reg 3821 - 3/18/94
-Expiration of Second Notice Period: 6/22/94

14. Illinois Snowmobile Grant Program (17 Ill Adm Code 3010)
-First Notice Published: 18 Ill Reg 5379 - 4/8/94
-Expiration of Second Notice Period: 7/10/94

Health Facilities Authority

15. Sale of Bonds (77 Ill Adm Code 1400)
-First Notice Published: 18 Ill Reg 4538 - 3/25/94
-Expiration of Second Notice Period: 7/2/94

Insurance

16. Uniform Medical Claim and Billing Forms (50 Ill Adm Code 2017)
-First Notice Published: 18 Ill Reg 37 - 1/7/94
-Expiration of Second Notice Period: 7/4/94

17. Long-Term Care Partnership Insurance (50 Ill Adm Code 2018)
-First Notice Published: 18 Ill Reg 3919 - 3/18/94
-Expiration of Second Notice Period: 7/6/94

Lieutenant Governor

18. Keep Illinois Beautiful Program (47 Ill Adm Code 600)
-First Notice Published: 17 Ill Reg 19834 - 11/19/93
-Expiration of Second Notice Period: 6/25/94

Lottery

19. Hearings (11 Ill Adm Code 1700)
-First Notice Published: 18 Ill Reg 5394 - 4/8/94
-Expiration of Second Notice Period: 7/10/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDANuclear Safety

20. Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill Adm Code 360)
-First Notice Published: 18 Ill Reg 3996 - 3/18/94
-Expiration of Second Notice Period: 6/29/94
21. Certification of Individuals to Perform Industrial Radiography (32 Ill Adm Code 405)
-First Notice Published: 18 Ill Reg 3326 - 3/11/94
-Expiration of Second Notice Period: 6/22/94

Pollution Control Board

22. Hearings Pursuant to Specific Rules (35 Ill Adm Code 106)
-First Notice Published: 18 Ill Reg 959 - 1/28/94
-Expiration of Second Notice Period: 6/25/94
23. Visible and Particulate Matter Emissions (35 Ill Adm Code 212)
-First Notice Published: 18 Ill Reg 967 - 1/28/94
-Expiration of Second Notice Period: 6/25/94
24. Effluent Standards (35 Ill Adm Code 304)
-First Notice Published: 18 Ill Reg 2560 - 2/18/94
-Expiration of Second Notice Period: 6/29/94

Professional Regulation

25. Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)
-First Notice Published: 17 Ill Reg 11337 - 7/23/93
-Expiration of Second Notice Period: 7/9/94
26. Marriage and Family Therapy Licensing Act (68 Ill Adm Code 1283)
-First Notice Published: 18 Ill Reg 5477 - 4/8/94
-Expiration of Second Notice Period: 7/10/94
27. Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)
-First Notice Published: 18 Ill Reg 2566 - 2/18/94
-Expiration of Second Notice Period: 7/10/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDAPublic Aid

28. Practice in Administrative Hearings (89 Ill Adm Code 104)
-First Notice Published: 17 Ill Reg 21283 - 12/17/93
-Expiration of Second Notice Period: 7/6/94
29. Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 18 Ill Reg 2753 - 2/25/94
-Expiration of Second Notice Period: 6/19/94
30. Medical Assistance Programs (89 Ill Adm Code 120)
-First Notice Published: 18 Ill Reg 4063 - 3/18/94
-Expiration of Second Notice Period: 7/6/94
31. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 18 Ill Reg 4077 - 3/18/94
-Expiration of Second Notice Period: 7/2/94
32. Hospital Reimbursement Changes (89 Ill Adm Code 152)
-First Notice Published: 18 Ill Reg 1677 - 2/4/94
-Expiration of Second Notice Period: 6/29/94
33. Long Term Care Reimbursement Changes (89 Ill Adm Code 153)
-First Notice Published: 18 Ill Reg 1686 - 2/4/94
-Expiration of Second Notice Period: 6/29/94
34. Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 18 Ill Reg 497 - 1/14/94
-Expiration of Second Notice Period: 7/2/94

Public Health

35. Postsurgical Recovery Care Center Demonstration Program Code (77 Ill Adm Code 210)
-First Notice Published: 17 Ill Reg 2233 - 12/31/93
-Expiration of Second Notice Period: 6/14/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDARacing Board

36. Pari-Mutuels (11 Ill Adm Code 405)
-First Notice Published: 18 Ill Reg 2838 - 2/25/94
-Expiration of Second Notice Period: 7/10/94
37. Licensing (11 Ill Adm Code 502)
-First Notice Published: 18 Ill Reg 5508 - 4/8/94
-Expiration of Second Notice Period: 7/10/94
38. Claiming Races (11 Ill Adm Code 510)
-First Notice Published: 18 Ill Reg 5500 - 4/8/94
-Expiration of Second Notice Period: 7/10/94
39. Clerk of the Scales (11 Ill Adm Code 1405)
-First Notice Published: 18 Ill Reg 5503 - 4/8/94
-Expiration of Second Notice Period: 7/10/94
40. Entries, Subscriptions and Declarations (11 Ill Adm Code 1413)
-First Notice Published: 18 Ill Reg 5505 - 4/8/94
-Expiration of Second Notice Period: 7/10/94
41. Starting (11 Ill Adm Code 1415)
-First Notice Published: 18 Ill Reg 5512 - 4/8/94
-Expiration of Second Notice Period: 7/10/94

Rehabilitation Services

42. Advisory Councils (89 Ill Adm Code 515)
-First Notice Published: 18 Ill Reg 2846 - 2/25/94
-Expiration of Second Notice Period: 6/29/94
43. Services (89 Ill Adm Code 590)
-First Notice Published: 18 Ill Reg 3106 - 3/4/94
-Expiration of Second Notice Period: 6/29/94
44. Projects with Industry (89 Ill Adm Code 640)
-First Notice Published: 18 Ill Reg 4097 - 3/18/94
-Expiration of Second Notice Period: 7/6/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

45. Illinois Long-Term Care Partnership Demonstration Program (89 Ill Adm Code 688)
-First Notice Published: 18 Ill Reg 4093 - 3/18/94
-Expiration of Second Notice Period: 7/6/94
- Revenue
46. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Notice Published: 18 Ill Reg 982 - 1/28/94
-Expiration of Second Notice Period: 6/14/94
47. Bingo License and Tax Act (86 Ill Adm Code 430)
-First Notice Published: 18 Ill Reg 4101 - 3/18/94
-Expiration of Second Notice Period: 7/10/94
48. Pull Tabs and Jar Games Act (86 Ill Adm Code 432)
-First Notice Published: 18 Ill Reg 4117 - 3/18/94
-Expiration of Second Notice Period: 7/10/94
49. Charitable Games Act (86 Ill Adm Code 435)
-First Notice Published: 18 Ill Reg 4109 - 3/18/94
-Expiration of Second Notice Period: 7/10/94
- Secretary of State
50. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 18 Ill Reg 2608 - 2/18/94
-Expiration of Second Notice Period: 6/14/94
51. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 18 Ill Reg 2853 - 2/25/94
-Expiration of Second Notice Period: 6/30/94
52. Illinois Safety Responsibility Law (92 Ill Adm Code 1070)
-First Notice Published: 18 Ill Reg 2217 - 2/14/94
-Expiration of Second Notice Period: 7/2/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDAJOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDATransportation

53. Nonscheduled Bus Inspections (92 Ill Adm Code 456)
-First Notice Published: 18 Ill Reg 4126 - 3/18/94
-Expiration of Second Notice Period: 7/9/94

III. Certification of No Objection to Proposed Rulemaking**IV. Review of Emergency and Peremptory Rulemakings**Agriculture

54. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 18 Ill Reg 8493 - 6/3/94

Children and Family Services

55. Discipline and Behavior Management in Child Care Facilities (89 Ill Adm Code 384) (Emergency)
-Notice Published: 18 Ill Reg 8474 - 6/3/94

56. Licensing Standards for Foster Family Homes (89 Ill Adm Code 402) (Emergency)
-Notice Published: 18 Ill Reg 8481 - 6/3/94

Pollution Control Board

57. Standards for Existing Landfills and Units (35 Ill Adm Code 814) (Emergency)
-Notice Published: 18 Ill Reg 8488 - 6/3/94

Secretary of State

58. Procedures and Standards (92 Ill Adm Code 1001) (Emergency)
-Notice Published: 18 Ill Reg 7916 - 5/20/94

V. Exempt RulemakingsPollution Control Board

59. Hazardous Waste Management System: General (35 Ill Adm Code 720)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

60. Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

61. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill Adm Code 725)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

62. Land Disposal Restrictions (35 Ill Adm Code 728)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

63. RCRA and UIC Permit Programs (35 Ill Adm Code 702)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

64. RCRA Permit Program (35 Ill Adm Code 703)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

65. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill Adm Code 724)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

66. Standards for the Management of Used Oil (35 Ill Adm Code 739)
-Proposed Date: 1/14/94
-Adopted Date: 4/26/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA**VI. Expedited Correction**State Board of Education

67. Sprinkler Systems (23 Ill Adm Code 170)

VII. Agency ResponsesRacing Board

68. Medication (11 Ill Adm Code 509)
-
- First Published: 4/15/94
-
- Objection Date: 5/17/94
-
- Response: Modified

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 24, 1994 through May 30, 1994, and have been scheduled for review by the Committee at its June 14, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/9/94	Department of Children and Family Services, Rate Setting (89 Ill Adm Code 356)	7/16/93 17 Ill Reg 10679	6/14/94
7/9/94	Department of Transportation, Nonscheduled Bus Inspections (92 Ill Adm Code 456)	3/18/94 18 Ill Reg 4126	6/14/94
7/9/94	Department of Professional Regulation, Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)	7/23/93 17 Ill Reg 11337	6/14/94
7/10/94	Department of Conservation, Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830)	4/8/94 18 Ill Reg 5372	6/14/94
7/10/94	Department of Conservation, Illinois Snowmobile Grant Program (17 Ill Adm Code 3010)	4/8/94 18 Ill Reg 5379	6/14/94
7/10/94	Department of Lottery, Hearings (11 Ill Adm Code 1700)	4/8/94 18 Ill Reg 5394	6/14/94
7/10/94	Department of Revenue, Bingo License and Tax Act (86 Ill Adm Code 430)	3/18/94 18 Ill Reg 4101	6/14/94
7/10/94	Department of Revenue, Pull Tabs and Jar Games Act (86 Ill Adm Code 432)	3/18/94 18 Ill Reg 4117	6/14/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/10/94	Department of Revenue, Charitable Games Act (86 Ill Adm Code 435)	3/18/94 18 Ill Reg 4109	6/14/94
7/10/94	Illinois Racing Board, Pari-Mutuels (11 Ill Adm Code 405)	2/25/94 18 Ill Reg 2838	6/14/94
7/10/94	Illinois Racing Board, Licensing (11 Ill Adm Code 502)	4/8/94 18 Ill Reg 5508	6/14/94
7/10/94	Illinois Racing Board, Claiming Races (11 Ill Adm Code 510)	4/8/94 18 Ill Reg 5500	6/14/94
7/10/94	Illinois Racing Board, Clerk of the Scales (11 Ill Adm Code 1405)	4/8/94 18 Ill Reg 5503	6/14/94
7/10/94	Illinois Racing Board, Entries, Subscriptions and Declarations (11 Ill Adm Code 1413)	4/8/94 18 Ill Reg 5505	6/14/94
7/10/94	Illinois Racing Board, Starting (11 Ill Adm Code 1415)	4/8/94 18 Ill Reg 5512	6/14/94
7/10/94	Department of Professional Regulation, Marriage and Family Therapy Licensing Act (68 Ill Adm Code 1283)	4/8/94 18 Ill Reg 5477	6/14/94
7/10/94	Department of Professional Regulation, Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)	2/18/94 18 Ill Reg 2566	6/14/94

PROCLAMATION

94-265

ALFRED EISENSTAEDT DAY

Whereas, Alfred Eisenstaedt, recognized as one of the world's most renowned photographers and acclaimed as the father of modern photojournalism, has published more photographs than any other photographer in history; and

Whereas, at age 95, he is still a photographer for LIFE, working without an assistant and with a minimum of equipment, opting rather for the eye and reaction as the most important element; and

Whereas, Mr. Eisenstaedt has also captured life's quiet joys and day-to-day drama, from small children being thrilled at a puppet show to a young sailor celebrating V-J Day in Times Square by embracing and kissing a young nurse; and

Whereas, Mr. Eisenstaedt will appear at the opening reception for and exhibition of his enduring photographs at Circle Gallery in Chicago; and

Whereas, this exhibition also includes portraits of individuals who have formulated 20th century popular literary and political history, including Katherine Hepburn, Marilyn Monroe, Ernest Hemingway, Tennessee Williams, John F. Kennedy, Winston Churchill, and most recently, President Clinton;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 9, 1994, as ALFRED EISENSTAEDT DAY in Illinois and salute him for his photographic achievements.

Issued by the Governor May 19, 1994.
Filed with the Secretary of State May 27, 1994.

94-266

CHICAGO ACADEMY FOR THE ARTS/PHIL DONAHUE AND MARLO THOMAS DAY

Whereas, the 11th Annual Chicago Academy for the Arts' Spring Benefit will be held Friday, June 3, 1994, at the Ritz-Carlton in Chicago; and

Whereas, this year's event is a tribute to Phil Donahue and Marlo Thomas for their contributions to the arts in Illinois and their efforts to establish the Danny Thomas Scholarship Fund at the Academy; and

Whereas, this year's event is also a tribute to Corporate Honoree Dan Skoda, President of Marshall Field's, for his contributions to the arts in Chicago, and Maggie Daley for the formation of Gallery 37, an award winning summer employment program which provides Chicago high school students with on-the-job training in the visual, literary, and performing arts; and

Whereas, the Chicago Academy for the Arts is the only private high school in Illinois that combines college preparatory academics with intensive instruction in both visual and performing arts; and

Whereas, the proceeds from this event will benefit the Chicago Academy for the Arts' scholarship fund, which provides financial assistance to deserving students who might not otherwise be able to attend the school; and

Whereas, the tribute to Phil Donahue and Marlo Thomas has been made possible by the generous and tireless efforts of Sherrill Bodine, Gale Gottlieb, Lynda Silverman, and all of their committee members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 3, 1994, as CHICAGO ACADEMY FOR THE ARTS/PHIL DONAHUE AND MARLO THOMAS DAY in Illinois.

Issued by the Governor May 19, 1994.

Filed with the Secretary of State May 27, 1994.

94-267

ILLINOIS AGRICULTURAL YOUTH INSTITUTE DAYS

Whereas, the Illinois Agricultural Youth Institute was established 14 years ago to encourage and educate Illinois' youth about the thriving prospects of Illinois' food and fiber industry; and

Whereas, the Illinois Agricultural Youth Institute and the Illinois Department of Agriculture are preparing young people for their career challenges offered in the exciting and diverse field of agriculture; and

Whereas, the Illinois Agricultural Youth Institute involves 80 exceptional high school sophomores, juniors, and senior students each year; and

Whereas, the Institute brings to the delegates' attention the career opportunities, educational requirements, and environmental needs confronting agriculture today and in the 21st century; and

Whereas, the Illinois Agricultural Youth Institute emphasizes the strategic importance of our food, agricultural, and natural resource system; and

Whereas, the growing opportunities in the agri-business industry will require even stronger leaders, more creative scientists, greater international business understanding, and increased sensitivity for consumers and the environment; and

Whereas, the Illinois Department of Agriculture appreciates the significance of this leadership institute and has contributed supervisory assistance in its development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5-10, 1994, as ILLINOIS AGRICULTURAL YOUTH INSTITUTE DAYS in Illinois in recognition of this exceptional

youth program.

Issued by the Governor May 19, 1994.

Filed with the Secretary of State May 27, 1994.

94-268

SAFE BOATING WEEK

Whereas, the waterways of Illinois will be used by more than 365,000 registered recreational craft; and

Whereas, responsibility and safety are important factors in making each boating outing an enjoyable one; and

Whereas, since 1978 more than 40,000 boaters under age 18 have learned boating safety techniques through programs sponsored by the Illinois Department of Conservation; and

Whereas, this emphasis on boating safety has contributed to a reduction in accidents and more enjoyable boating conditions for all;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5-11, 1994, as SAFE BOATING WEEK in Illinois in conjunction with the national observance. I urge all recreational boaters to focus their attention on the importance of safety and courtesy in boating.

Issued by the Governor May 19, 1994.

Filed with the Secretary of State May 27, 1994.

94-269

SAFETY WEEK

Whereas, the State of Illinois wishes to join the members of the American Society of Safety Engineers and other organizations in observing National Safety Week; and

Whereas, the theme for this special observance, "Safety: It's a Way of Life," draws attention to the serious problems of safety awareness in the workplace, home, and community; and

Whereas, the promotion of safety awareness results in the reduction of injuries to employees and enhanced safety awareness nationwide helps fight the widespread problem of workplace injuries through an effective combination of public education, intervention, rehabilitation, and law enforcement;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5-11, 1994, as SAFETY WEEK in Illinois and urge every individual to take extra precaution and become more safety conscious every day.

Issued by the Governor May 19, 1994.

Filed with the Secretary of State May 27, 1994.

94-270
GARDEN WEEK

Whereas, members of The Garden Clubs of Illinois, Inc. are concerned with promoting conservation and beautification in our state; and

Whereas, they encourage citizens to plant trees, shrubs, and vines near their homes, along the highways, and on public grounds; and

Whereas, gardening instills a greater respect and care for our environment and our natural resources; and

Whereas, our gardens also yield herbs, foliage, and flowers which add beauty, fragrance, and nutrition to our lives; and

Whereas, gardening furnishes a challenging and productive full- or part-time activity for a large number of our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5-11, 1994, as GARDEN WEEK in Illinois.

Issued by the Governor May 23, 1994.

Filed with the Secretary of State May 27, 1994.

94-271
ITALIAN-AMERICAN WAR VETERANS' DAYS

Whereas, many Italian-Americans have served the United States of America during wartime since World War I; and

Whereas, on the 13th anniversary of Armistice Day in 1931, the first post of the Italian-American War Veterans, the Monaco-Carlino post, was formed; and

Whereas, the first Illinois post was formed in 1952, and the Italian-American War Veterans' Department of Illinois was created in 1971, now boasting numerous posts and auxiliaries; and

Whereas, on May 27-30, 1994, the Illinois State Convention for the National Italian-American War Veterans will convene in Rosemont, Illinois; and

Whereas, highly distinguished John N. Pignataro is the 23rd Illinois State Commander;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 27-30, 1994, as ITALIAN-AMERICAN WAR VETERANS' DAYS in Illinois, recognizing these peoples' great contributions to our state and country.

Issued by the Governor May 23, 1994.

Filed with the Secretary of State May 27, 1994.

94-272
JAMES-BURT FAMILY REUNION DAYS

Whereas, descendants of the James and Burt families will

convene at the Holiday Inn in Harvey, Illinois, on July 21-31, 1994, to celebrate JAM-BUR-RE '94, their 10th Biennial Family Reunion; and

Whereas, the theme of JAM-BUR-RE '94, "Holding Out Hope to You," reflects the commitment of the James and Burt families to Christian values and service to our family, community, and country; and

Whereas, at a time when the demise of the African-American family is the focus of much media attention, it is heartening to know that this family has developed such pride in its heritage; and

Whereas, the family motto is "To Forget One's Ancestors Is To Be A Brook Without A Source, A Tree Without A Root;" and

Whereas, members of this family will be coming from all across the United States, particularly California, Texas, Virginia, New Jersey, New York, Maryland, South and North Carolina, and Washington, DC;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 21-31, 1994, as JAMES-BURT FAMILY REUNION DAYS in Illinois in recognition of their dedication to preserving their family history and promoting their lineage.

Issued by the Governor May 23, 1994.

Filed with the Secretary of State May 27, 1994.

94-273
MARY JEAN CUMMINGS DAY

Whereas, Mary "Jean" Cummings, born May 5, 1930, mother of two daughters and grandmother to four grandchildren, began her public service career with Logan County in March of 1969; and

Whereas, throughout her 25 years of dedicated service, Jean has had the opportunity to work with hundreds of attorneys, many judges, and thousands of individual citizens; and

Whereas, she has been responsible for the filing of tens of thousands of court cases and documents with the Circuit Clerk's office and has maintained the integrity of the court's files; and

Whereas, Jean has worked for four Circuit Clerks during her career -- beginning with "Red" Madigan and concluding with Carla Bender; and

Whereas, on June 1, 1994, Jean Cummings will retire from her position as Deputy Clerk-Civil Division of the Logan County Circuit Clerk's office and will be honored for her exemplary service and dedication of 25 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 27, 1994, as MARY JEAN CUMMINGS DAY in Illinois in recognition of her commitment and contributions to the people of Logan County.

Issued by the Governor May 23, 1994.

Filed with the Secretary of State May 27, 1994.

94-274

ROBERT LEWANDOWSKI DAY

Whereas, Robert Lewandowski has served the Chicago Association for Retarded Citizens (CARC) as a member of the Business Friends group, a member of the Board of Directors, and as the President of the Board of Directors; and

Whereas, he has spearheaded efforts to lead CARC through strategic planning, program evaluation, increased private fund-raising, and assessment of the agency name; and

Whereas, Robert Lewandowski has devoted his time, resources, and energy to helping make the association fiscally sound and a comfortable place for employees to work and clients to receive services; and

Whereas, Robert Lewandowski has unselfishly given of himself to help those who are less fortunate. As a leader, he has motivated volunteers, responded to change, and planned for the future;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 4, 1994, as ROBERT LEWANDOWSKI DAY in Illinois, and urge all others to follow his lead in making more opportunities available for children and adults with developmental disabilities.

Issued by the Governor May 23, 1994.

Filed with the Secretary of State May 27, 1994.

94-275

D-DAY VETERANS' DAY

Whereas, the 50th Anniversary D-Day Veterans Commemorative Dinner, benefiting the Red Cross, will be held on June 5, 1994, at Rosemont's Hotel Sofitel; and

Whereas, more than 200 veterans will attend the dinner; and

Whereas, D-Day veterans fought to begin the liberation of occupied Europe and to preserve freedom in the world; and

Whereas, General Dwight David Eisenhower directed the brave troops who fought by land, sea, and air; and

Whereas, the State of Illinois is proud to salute these courageous veterans and the Red Cross;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5, 1994, as D-DAY VETERANS' DAY in Illinois.

Issued by the Governor May 24, 1994.

Filed with the Secretary of State May 27, 1994.

94-276

DAY OF THE AFRICAN CHILD

Whereas, the Day of the African Child, the first event in the Decade of the African Child, is being commemorated in Illinois and throughout the world; and

Whereas, the Organization of African Unity has been joined by UNICEF to plan and coordinate activities that show the African child is in the thoughts and hearts of millions of people; and

Whereas, these events include conferences, parades, the issuance of a special United Nations Stamp for the Rights of the Child, and a variety of events for children; and

Whereas, African children are as diverse as the continent itself. They live in modern cities, isolated villages, densely populated areas, and remote deserts. They speak hundreds of languages, come from many different cultures, and live under widely varied economic conditions; and

Whereas, there are children in Illinois who have come from all of these backgrounds and who share their cultures with us; and

Whereas, we should give special thought to the children of Africa who are in imminent danger of death from natural causes, war and internal strife in their countries, starvation or malnutrition, and disease or poor living conditions. We must ensure that children live, that they are happy, and to not suffer, and that they grow up educated and able to live productive lives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16, 1994, as THE DAY OF THE AFRICAN CHILD.

Issued by the Governor May 24, 1994.

Filed with the Secretary of State May 27, 1994.

94-277

GI BILL DAY

Whereas, 50 years ago on June 22, 1944, President Franklin D. Roosevelt signed into law "The Servicemen's Readjustment Act of 1944," popularly known as the "GI Bill of Rights," which has been described by many historians as one of America's greatest pieces of social legislation. President Roosevelt said that the GI Bill "gives emphatic notice to the men and women of our Armed Forces that the American people do not intend to let them down"; and

Whereas, that promise was kept by the original GI Bill and has been renewed with each succeeding version of the landmark legislation. Today, veterans still earn guarantees of assistance in education, housing, and other transitional needs because of the success of the original GI Bill; and

Whereas, the GI Bill has benefited all Americans. As it eased

the transition of millions of World War II veterans into civilian life, it also paved the way for an unparalleled period of U.S. economic growth and development; and

Whereas, the GI Bill home loan provisions underwrote the largest housing boom in the nation's history. It helped transform the majority of Americans from renters to homeowners. Now, most Americans reasonably expect to own homes at some time in their lives; and

Whereas, nearly 8 million World War II veterans used the GI Bill to learn a vocation or trade or to attend college. The GI Bill transformed the nation's education infrastructure and made a college education and technical training a real option after high school, rather than a privilege for a few; and

Whereas, this half-century investment of more than \$65 billion has been repaid to the American taxpayer many times. The nation and the State of Illinois have benefited from the increased earning power and the expanded economic activity that is attributable to the GI Bill; and

Whereas, while our veterans benefited directly, we must remember that it was their energy, initiative, and abilities which guaranteed the GI Bill its place in history. As they gave their best to the nation in uniform, so they have given us their best as civilians with the help of the GI Bill; and

Whereas, it is to them, and to the pioneers who created and crafted the original GI Bill legislation during the dark days of World War II, that we owe our gratitude and thanks this day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1994, as GI BILL DAY in Illinois in celebration of the 50th anniversary of enactment of "The Servicemen's Readjustment Act of 1944," and the subsequent legislation that has extended its promise to the military veterans who have followed. I encourage all Illinois citizens, as well as civic, veterans, educational, business, and news media organizations, to join me in commemorating the GI Bill of Rights and the veterans and visionaries who made it possible.

Issued by the Governor May 24, 1994.

Filed with the Secretary of State May 27, 1994.

94-278

JEWISH-AMERICAN SPORTS HALL OF FAME DAY

Whereas, B'nai B'rith Jewish-American Sports Hall of Fame celebrates its second annual awards dinner on June 30; and

Whereas, proceeds from this event will help expand the Jewish Sports Hall of Fame in the B'nai B'rith Klutznick National Jewish Museum in Washington, DC; and

Whereas, the B'nai B'rith Foundation, through this event, supports national recognition of outstanding Jewish sports

figures; and

Whereas, professional Jewish athletes, sports writers, broadcasters, and owner-managers will attend the dinner and be inducted into the Jewish-American Sports Hall of Fame; and

Whereas, the awards dinner and program are made possible through the generous efforts of corporate and civic supporters and the B'nai B'rith Foundation;

Therefore, I, Jim Edgar, Governor of the State of Illinois and Honorary Chairman of this awards dinner, proclaim June 30, 1994, as JEWISH-AMERICAN SPORTS HALL OF FAME DAY in Illinois.

Issued by the Governor May 24, 1994.

Filed with the Secretary of State May 27, 1994.

94-279

PETER JOSEPH SERDAR DAY

Whereas, Peter Joseph Serdar came to America on May 11, 1960, with seven dollars in his pocket, leaving behind his wife and five children in Sv. Rok, Lika Hrvatska, to make a better living for his family; and

Whereas, for one and one-half years Peter worked days at Masterbilt Fence Company and nights at United States Steel, while also attending night school to learn English; and

Whereas, on October 21, 1961, his wife, Anka, and children, Pauline, Joseph, Madolyn, Mary, and Dane, arrived at O'Hare Airport in Chicago. Peter's son, Frank, was later born in America. Five years after their arrival, Peter, his wife, and children were proud to become United States citizens; and

Whereas, Peter has overcome many obstacles, including learning English, two severe back operations, and the closing of United States Steel, but has always persevered to provide for his family. Peter worked for Abbott Laboratories for 13 years after the closing of United States Steel, completing his 43-year work history; and

Whereas, Peter and Anka are vital forces in raising funds for the Orphan Children of Croatia. Though his heart is broken by the strife in his homeland, Peter is grateful for the opportunity to come to America; and

Whereas, Peter has announced his retirement, effective June 1, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 31, 1994, as PETER JOSEPH SERDAR DAY in Illinois in honor of this loving father, valued employee, and caring friend.

Issued by the Governor May 24, 1994.

Filed with the Secretary of State May 27, 1994.

**94-280
AMERICAN GI FORUM DAY**

Whereas, thousands of Latino Americans served our country in World War II, returning home only to face denial of their rights as veterans and the basic American freedom for which they had fought so hard; and

Whereas, the American GI Forum is the nation's largest Hispanic veterans organization, serving both veterans and their communities for more than 40 years; and

Whereas, the American GI Forum is devoted to furthering the interests of Americans of Mexican descent and has participated in projects and programs in Mexican-American communities throughout Illinois; and

Whereas, the activities of the American GI Forum are a source of pride to all citizens of Mexican-American descent as the organization works to enhance the quality of life and create new opportunities for growth and development; and

Whereas, the American GI Forum is celebrating its 39th Anniversary Scholarship Banquet on June 11 at the culmination of their Annual State Conference;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 11, 1994, as AMERICAN GI FORUM DAY in Illinois and urge all our citizens to recognize the valuable contributions of our Latino veterans.

Issued by the Governor May 25, 1994.

Filed with the Secretary of State May 27, 1994.

**94-281
PHILIPPINE WEEK 1994**

Whereas, the Filipino American community has preserved the important values and ethnic identity, history, and heritage of Filipino culture to teach its children and share with fellow Illinoisans; and

Whereas, the Filipino American community has helped build the diversity and prosperity of our state through its commitment to hard work and social responsibility as Illinois citizens; and

Whereas, Filipino Americans have put forth sincere effort to foster a community that is an integral part of the unique mosaic of American society; and

Whereas, June 6-11 is designated as Philippine Week 1994, which commemorates the 96th anniversary of Philippine independence through the "Kahapon" Art Exhibit, parade, receptions, and cultural events;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 6-11, 1994, as PHILIPPINE WEEK 1994 in Illinois.

Issued by the Governor May 26, 1994.

Filed with the Secretary of State May 27, 1994.

**94-282
TRY AMERICAN DAY**

Whereas, American businesses form the foundation for a strong state and national economy; and

Whereas, the creativity and ingenuity of Americans have provided a host of new products and services that improve the quality of life in this state and country; and

Whereas, the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world; and

Whereas, American farmers and ranchers provide this state, nation, and the world with a wide array of high quality food and fiber products and consistently create annual agricultural trade surpluses; and

Whereas, the energy and perseverance of American businesses serve as a beacon for other nations that strive to ensure prosperity for their people;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 5, 1994, as TRY AMERICAN DAY in Illinois in promotion of American goods and services.

Issued by the Governor May 25, 1994.

Filed with the Secretary of State May 27, 1994.

ACTION CODES	
A - Adopted Rule	PP - Proposed Rule
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON	
89 III. Adm. Code 240	Community Care Program (P-14225/93;A-609) (E-5355) (P-5027)
89 III. Adm. Code 260	Long-Term Care Insurance Partnership Demonstration Program (P-3802)
89 III. Adm. Code 230	Older Americans Act Program (P-5720)
AGRICULTURE, DEPARTMENT OF	
8 III. Adm. Code 110	Animal Diagnostic Act (P-14717/A-1825)
8 III. Adm. Code 75	Bovine Brucellosis (P-14728/93;A-1833)
8 III. Adm. Code 257	Cooperative Groundwater Protection Program (P-14288/93; A-205)
8 III. Adm. Code 20	Definitions (P-14793;A-1844)
8 III. Adm. Code 85	Diseased Animals (P-14747/93;A-1850)
8 III. Adm. Code 116	Equine Infectious Anemia Control (P-14761/93;A-1861)
8 III. Adm. Code 590	Feeder Swine Dealer Licensing (P-14765/93;A-1865)
68 III. Adm. Code 270	Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164)
8 III. Adm. Code 40	Livestock Auction Markets (P-14769/93;A-1869)
68 III. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)
8 III. Adm. Code 125	Ment and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493)
8 III. Adm. Code 105	Swine Disease Control & Eradication Act (P-14781/93;A-1880)
8 III. Adm. Code 600	Weights and Measures Act (E-4426) (A-8519)
ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF	
77 III. Adm. Code 2090	Subacute Alcoholism and Substance Abuse Treatment Services (P-5029;C-8731)
ATTORNEY GENERAL	
14 III. Adm. Code 200	Franchise Disclosure Act (PP-2522)
AUDITOR GENERAL	
2 III. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)
2 III. Adm. Code 601	Freedom of Information (A-7739)
CARNIVAL-AMUSEMENT SAFETY BOARD	
56 III. Adm. Code 6000	Carnival and Amusement Park Inspection Law (P-6040)
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
44 III. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
80 III. Adm. Code 302	Merit & Finesse (P-14788/93;A-1892)
80 III. Adm. Code 310	Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146)
80 III. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (A-3115)
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
89 III. Adm. Code 434	Audits, Reviews and Investigations (P-7115/93;A-6697)
89 III. Adm. Code 385	Background Checks (P-8219)
89 III. Adm. Code 305	Client Service Planning (P-6467)
89 III. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #23

June 10, 1994

(Children and Family Services, cont.)	
89 III. Adm. Code 428	Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
89 III. Adm. Code 437	Department of Children and Family Services Employees Conflict of Interest (P-7539)
89 III. Adm. Code 384	Discipline & Behavior Management in Child Care Facilities (E-8474) (P-8528)
89 III. Adm. Code 314	Educational Services (P-17593/93; A-8366)
89 III. Adm. Code 406	Licensing Standards for Day Care Homes (P-2683) (P-11964/93;A-5531)
89 III. Adm. Code 402	Licensing Standards for Foster Family Homes (P-8237;E-8481)
89 III. Adm. Code 408	Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93; A-5540)
89 III. Adm. Code 335	Relative Home Placements (P-6681/93;A-7444)
89 III. Adm. Code 300	Reports of Child Abuse & Neglect (P-18271/93;A-8377) (P-8240) (P-15218/93;A-8601)
CIVIL SERVICE SYSTEM, STATE UNIVERSITIES	
80 III. Adm. Code 250	State Universities Civil Service System (P-18453/93;A-1901)
COMMERCE COMMISSION, ILLINOIS	
92 III. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630/93;A-1914)
83 III. Adm. Code 792	Imputation (P-11988/93;A-1919)
83 III. Adm. Code 790	Interconnection (P-19354/93;A-6147)
83 III. Adm. Code 535	Least-Cost Planning for Natural Utilities (PP-6081)
83 III. Adm. Code 590	Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
83 III. Adm. Code 770	Operator Service Providers (P-6099)
83 III. Adm. Code 315	Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93;A-676; M-795)
83 III. Adm. Code 280	Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918) (P-6382/93;A-6160)
83 III. Adm. Code 735	Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483;A-4146) (P-6386/93;A-6164)
92 III. Adm. Code 1236	Reinstatement of Revoked Operating Authority (P-8635/93;A-1924)
92 III. Adm. Code 1710	Relocation Towing (P-21257/93;A-8609)
83 III. Adm. Code 200	Rules and Practices (P-22117/93;A-7748)
83 III. Adm. Code 285	Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723)
83 III. Adm. Code 425	Uniform Electric Fuel Adjustment (P-4483)
92 III. Adm. Code 1375	Uniform System of Accounts for Electric Utilities (P-937) (P-4490)
83 III. Adm. Code 415	Uniform System of Accounts for Electric Utilities (P-937) (P-4490)
83 III. Adm. Code 505	Uniform System of Accounts for Gas Utilities (P-946)
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
47 III. Adm. Code 160	Emergency Shelter Grants Program (P-15747/93;A-5163)
14 III. Adm. Code 1710	Enterprise Zone Program (P-9791/93;A-5172)
14 III. Adm. Code 520	Ill. Promotion Act Programs (P-14318/93;A-5813) (P-21905/93;A-8387)
14 III. Adm. Code 570	Illinois Small Business Development Program (P-21123/93;A-6112)
56 III. Adm. Code 509	Industrial Training Program (P-20063/93;RQ-6022)
83 III. Adm. Code 772	Pay-Per-Call Services (P-7156)
14 III. Adm. Code 610	Public Infrastructure Loan & Grants Programs (P-19352/93;A-8398)
56 III. Adm. Code 2600	Service Delivery System & State Responsibilities (P-805)
14 III. Adm. Code 545	Technology Advancement & Development Act Program (P-839;A-8415)
56 III. Adm. Code 2630	Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855)
COMMISSIONER OF BANKS AND TRUST COMPANIES	
38 III. Adm. Code 380	Eligible State Bank (P-19347/93;A-4630)
COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE	
38 III. Adm. Code 1075	Savings Bank Act (E-7016)
COMMUNITY COLLEGE BOARD, ILLINOIS	
23 III. Adm. Code 1501	Administration of the Ill. Public Community College (P-569) (P-6686/93;A-4635)

Vol. 18, Issue #23	ILLINOIS REGISTER	CUMULATIVE INDEX	June 10, 1994
COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS			
47 III. Adm. Code 700	By-laws (P-4530/93;A-5826)		
COMPTROLLER, OFFICE OF THE			
38 III. Adm. Code 610	III. Funeral or Burial Funds Act (P-7168;C-)		
74 III. Adm. Code 275	Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664;E-2119;A-7754)		
CONSERVATION, DEPARTMENT OF			
17 III. Adm. Code 130	Camping on Department of Conservation Properties (P-18721/93;A-1126)		
17 III. Adm. Code 530	Cock Phasian, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)		
17 III. Adm. Code 850	Commercial Fishing in Lake Michigan (P-22123/93;A-5854)		
17 III. Adm. Code 830	Commercial Fishing and Mussels in Certain Waters of the State (E-4761)(P-5372)		
17 III. Adm. Code 2520	Consignment of Licenses (P-3821)		
17 III. Adm. Code 730	Dove Hunting Season (P-3830)		
17 III. Adm. Code 590	Duck, Goose and Coot Hunting (P-5065)		
17 III. Adm. Code 910	Field Trials on Department-Owned Managed Sites (P-3846)		
2 III. Adm. Code 826	Freedom of Information (A-8616)		
17 III. Adm. Code 1010	III. List of Endangered & Threatened Fauna (P-16273/93;A-1134)		
17 III. Adm. Code 1050	III. List of Endangered & Threatened Flora (P-16285/93;A-1142)		
17 III. Adm. Code 3010	Illinois Snowmobile Grant Program (P-5379)		
17 III. Adm. Code 570	Muskra, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)		
17 III. Adm. Code 1070	Possession of Specimens or Products of Endangered or Threatened Species (P-1;A-5838)		
17 III. Adm. Code 550	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868)		
17 III. Adm. Code 4010	Register of Land & Water Reserves (P-578)		
17 III. Adm. Code 810	Sport Fishing Regulations for the Waters of Illinois (P-19785/93;A-3277)(E-5667)(P-6202)		
17 III. Adm. Code 690	Squirrel Hunting (P-3193;A-8624)		
17 III. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156) (E-3751)		
17 III. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season, The (P-3884)		
17 III. Adm. Code 715	Taking of Wild Turkeys-Fall Gun Season, The (P-3895)		
17 III. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)		
17 III. Adm. Code 650	White-Tailed Deer Hunting by Use of Firearms (P-21927/93;A-5859)(P-7180)		
17 III. Adm. Code 660	White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-21952/93;A-5878)(P-7183)		
17 III. Adm. Code 740	Woodcock, Snipe, Rail, and Teal Hunting (P-3986)		
CORRECTIONS, DEPARTMENT OF			
20 III. Adm. Code 420	Assignment of Committed Persons (P-19367/93;A-2929)		
20 III. Adm. Code 460	Impact Incarceration Program (P-19371/93;A-2933)		
20 III. Adm. Code 107	Records of Committed Persons (P-19377/93;A-2939)		
20 III. Adm. Code 405	School District (P-19405/93;A-2970)		
20 III. Adm. Code 501	Security (P-8396/93;A-6328)		
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS			
20 III. Adm. Code 1570	Fees for Processing Requests for Conviction Information (P-21136/93;A-4679)		
20 III. Adm. Code 1810	Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)		
20 III. Adm. Code 1800	Trust Fund Collection Rules (P-20539/93;A-4852)		
EDUCATION, STATE BOARD OF			
23 III. Adm. Code 610	Article 34 School and Subdistrict Councils (P-5449)		
23 III. Adm. Code 252	Driver Education (P-8557)		
23 III. Adm. Code 210	Learning Assessment & School Improvement Plans (P-10061/93;A-1169)		
23 III. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)		
23 III. Adm. Code 550	Reorganization Committee (PR-17611/93;AR-5551)		
23 III. Adm. Code 226	Special Education (P-13231/93;A-1930)(P-18405/93;A-4685)(P-6482)		
23 III. Adm. Code 170	Sprinkler System (P-18419/93;A-4699)		
23 III. Adm. Code 245	Urban Education Partnership Program (P-10131/93;A-237)		
ELECTIONS, STATE BOARD OF			
23 III. Adm. Code 125	Practice and Procedure (P-6509)		
Vol. 18, Issue #23			
ILLINOIS REGISTER			
CUMULATIVE INDEX			
June 10, 1994			
EMERGENCY MANAGEMENT AGENCY, ILLINOIS			
29 III. Adm. Code 1310	Emergency Management Assistance Program (P-13843/93;A-6394)		
29 III. Adm. Code 1300	Emergency Services and Disaster Agencies: Establishment, Accreditation, and Workers' Compensation (P-13856/93;A-6386)		
29 III. Adm. Code 300	Local Emergency Services and Disaster Agencies: Establishment, Jurisdiction, and Accreditation (PR-13865/93;AR-6384)		
29 III. Adm. Code 510	Workers' Compensation Coverage (PR-13875/93;A-6382)		
EMPLOYMENT SECURITY, DEPARTMENT OF			
56 III. Adm. Code 2915	Academic Personnel (P-19415/93;A-4154)		
56 III. Adm. Code 2865	Claimant's Availability for Work, Ability to Work and Active Search for Work (P-19421/93;A-4160)		
56 III. Adm. Code 2770	Determination of Unemployment Contributions (P-17628/93;A-250)		
56 III. Adm. Code 2920	Disqualifying Income and Reduced Benefits (P-19427/93;A-4166)		
56 III. Adm. Code 2760	Notices, Records, Reports (P-16319/93;A-261) (E-2631;O-7070;M-7492)		
ENVIRONMENTAL PROTECTION AGENCY			
35 III. Adm. Code 372	Illinois Design Standards for Slow Rate Land Application of Treated Wastewater (P-4524)		
35 III. Adm. Code 370	Illinois Recommended Standards for Sewage Works (CC-6375)		
35 III. Adm. Code 184	Licensing of Industrial Hygienists (P-4)		
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
38 III. Adm. Code 130	Currency Exchange Rate (P-6929/93;W-6454)		
FIRE MARSHALL, OFFICE OF STATE			
41 III. Adm. Code 200	Storage, Transportation, Sale and Use of Liquefied Petroleum (P-22)		
41 III. Adm. Code 170	Storage, Transportation, Sale and Use of Petroleum and other Regulated Substances (P-8267)		
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS			
77 III. Adm. Code 2510	Data Collection (P-8274)		
77 III. Adm. Code 2530	Hospital Price Information (P-19007/93;A-5343)		
77 III. Adm. Code 2510	Data Collection (P-18944/93;A-5300)(P-		
HIGHER EDUCATION, BOARD OF			
23 III. Adm. Code 1020	Health Services Education Grant (P-17639/93;A-4174)		
23 III. Adm. Code 110	Program Accounting Manual (P-18283/93;A-5178)		
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS			
47 III. Adm. Code 360	Affordable Housing Program (P-1669;E-2124;A-8663)		
47 III. Adm. Code 365	Affordable Housing Bond Program (P-956;E-1596;A-8633)		
47 III. Adm. Code 260	Homeowner Mortgage Revenue Bond Program (P-8293)		
47 III. Adm. Code 310	Multifamily Rental Housing Mortgage Loan Program (A-1939)		
HUMAN RIGHTS, DEPARTMENT OF			
2 III. Adm. Code 926	Access to Information (P-512)		
2 III. Adm. Code 925	Rulemaking and Organization (P-525)		
INSURANCE, DEPARTMENT OF			
50 III. Adm. Code 1250	Corrective Orders (P-3985/93;A-2230)		
50 III. Adm. Code 2013	Group Coverage Discontinuance and Replacement (P-8320)		
50 III. Adm. Code 1103	Life Reinsurance Agreement (P-8411/93;A-685)		
50 III. Adm. Code 2012	Long-term Care Insurance (P-11279/93;A-2238)		
50 III. Adm. Code 2018	Long-Term Care Partnership Insurance (P-3919)		
50 III. Adm. Code 3119	Pre-Licensing and Continuing Education (P-3964)		
50 III. Adm. Code 855	Prior Notification of Dividends on Common Stock and Other Distributions (P-21264/93;A-6168)		
50 III. Adm. Code 854	Prior Notification of Transactions (P-21143/93;A-6176)		
50 III. Adm. Code 6201	Requirements (A-2282)		
50 III. Adm. Code 2017	Uniform Medical Claim and Billing (P-37)		

INVESTMENT, ILLINOIS STATE BOARD
80 Ill. Adm. Code 2700 State of Ill.) Employees' Deferred Compensation Plan (P-19755/93;A-7224)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
1 Ill. Adm. Code 255 Distribution of Database Information (E-5359)
1 Ill. Adm. Code 260 Complaint Reviews (P-1323/93;A-4705)(CC-7495)
1 Ill. Adm. Code 245 Expedited Corrections (P-1324/93;A-4720)(CC-7496)
1 Ill. Adm. Code 250 Five Year Evaluation of All Existing Rules (P-1325/93;A-4728)
1 Ill. Adm. Code 210 General Policies (P-1326/93;A-4739)(CC-7497)
1 Ill. Adm. Code 230 Review of Emergency Rulemaking (P-1323/93;A-1233)(CC-7498)
1 Ill. Adm. Code 240 Review of Emergency Rulemaking (P-1329/93;A-4745)(CC-7499)
1 Ill. Adm. Code 220 Review of Proposed Rulemaking (P-1330/93;A-4758)(CC-7500)

LABOR, DEPARTMENT OF
56 Ill. Adm. Code 350 Health & Safety (P-1672)

LIQUOR CONTROL COMMISSION, ILLINOIS
11 Ill. Adm. Code 100 The Illinois Liquor Control Commission (P-20094/93;A-4811)

LOTTERY, DEPARTMENT OF
11 Ill. Adm. Code 1700 Hearings (P-5394)
11 Ill. Adm. Code 1770 Lottery (General) (P-6519)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP
2 Ill. Adm. Code 2950 Information, Rulemaking and Organization (A-5889)(A-8684)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF
59 Ill. Adm. Code 101 Administration (P-10688/93;A-4179)
59 Ill. Adm. Code 122 Certification Under Medicaid Rehabilitation Option for Early Intervention Program (P-3969)
59 Ill. Adm. Code 121 Early Intervention Program (P-3976)
59 Ill. Adm. Code 132 Medicaid Community Health Services Program (P-3902)
59 Ill. Adm. Code 120 Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (P-3990)
59 Ill. Adm. Code 106 Service Charges (P-7583)

MINES AND MINERALS, DEPARTMENT OF
62 Ill. Adm. Code 240 Illinois Oil and Gas Act (P-22128/93;A-8061)

NATURE PRESERVES COMMISSION
17 Ill. Adm. Code 4000 Management of Nature Preserves (P-12005/93;A-2290)
17 Ill. Adm. Code 4010 Register of Land & Water Reserves (P-578;A-7253)

NORTHEASTERN ILLINOIS PLANNING COMMISSION
35 Ill. Adm. Code 399 Collection of Fees from Applicants requesting to change the Boundaries of a Wastewater Facility Planning Area (P-2552)

NUCLEAR SAFETY, DEPARTMENT OF
32 Ill. Adm. Code 405 Certification of Individuals to Perform Industrial Radiography (P-3326)
32 Ill. Adm. Code 333 Fees for Calibration Services (P-9797/93;A-2615)
32 Ill. Adm. Code 331 Fees for Radioactive Material Licenses (P-3045)
32 Ill. Adm. Code 330 Licensing of Radioactive Material (P-14417/93;A-5553)
32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)
32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers, Inspection (P-8655/93;A-3132)
32 Ill. Adm. Code 390 Particle Accelerators (P-8666/93;A-3143)
32 Ill. Adm. Code 350 Radiation Safety Requirements for Industrial Radiographic Operations (P-13882/93;A-7263)
32 Ill. Adm. Code 351 Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93;A-3344)
32 Ill. Adm. Code 320 Registration of Radioactive Material, Radiation Machines, and Radiation Installations (P-8693/93;A-3363)
32 Ill. Adm. Code 305 Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)
32 Ill. Adm. Code 341 Transportation of Radioactive Material (P-13933/93;A-1196)
32 Ill. Adm. Code 355 Use of Radionuclides in the Healing Arts (P-20122/93;A-7308)

NUCLEAR SAFETY, DEPARTMENT OF
32 Ill. Adm. Code 360 Use of X-Ray in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (P-3996)

POLLUTION CONTROL BOARD
35 Ill. Adm. Code 211 Definitions & General Provisions (P-12491/93;A-1253)(P-7589)(P-8331)
35 Ill. Adm. Code 304 Effluent Standards (P-15223/93;A-267;P-2560)
35 Ill. Adm. Code 620 Groundwater Quality (P-5113)
35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-337;A-6720)(P-6553)
35 Ill. Adm. Code 106 Hearings Pursuant to Specific Rules (P-959;A-4230)
35 Ill. Adm. Code 721 Identification and Listing of Hazardous Waste (P-357;A-6741)(P-6526)
35 Ill. Adm. Code 725 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771)(C-5011)(P-6568)
35 Ill. Adm. Code 728 Land Disposal Restrictions (P-348;A-6799)(C-5013)(P-6535)
35 Ill. Adm. Code 203 Major Stationary Source Construction and Modification (P-18754/93;A-6335)
35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-12491/93;A-1945)(P-7602)
35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-20203/93;A-4242)(P-7618)
35 Ill. Adm. Code 105 Permits (16366/93;A-4244)
35 Ill. Adm. Code 201 Permits & General Provisions (P-7636)(P-8347)
35 Ill. Adm. Code 732 Petroleum Underground Storage Tanks (P-5403)
35 Ill. Adm. Code 611 Primary Drinking Water Standards (P-7642)
35 Ill. Adm. Code 813 Procedural Requirements for Permitted Landfills (RQ-12409/93;EC-7501)
35 Ill. Adm. Code 702 RCRA and UIC Permit Programs (P-406;A-6918)
35 Ill. Adm. Code 703 RCRA Permit Program (P-419;A-6898)(P-6580)
35 Ill. Adm. Code 817 Requirements for New Steel and Foundry Industry (P-6246)
35 Ill. Adm. Code 810 Solid Waste Disposal: General Provisions (P-8702/93;A-1268)
35 Ill. Adm. Code 814 Standards for Existing Landfills & Units (P-8714/93;A-1284)(E-8488)
35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (P-6600)
35 Ill. Adm. Code 739 Standards for the Management of Used Oil (P-455;A-6931)(C-5017)
35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-8726/93;A-1308)(C-4434)(EC-3021/93;E-C-7504)
35 Ill. Adm. Code 724 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439;A-6973)(C-5015)(P-6641)
35 Ill. Adm. Code 303 Water Use Designations & Site Specific Water Quality Standards (P-8726/93;A-2981)
35 Ill. Adm. Code 212 Viable & Particulate Matter Emissions (P-967)

PROFESSIONAL REGULATIONS, DEPARTMENT OF
68 Ill. Adm. Code 1175 Barber, Cosmetology, Esthetics, and Nail Technology Act (P-20217/93;A-4856)
68 Ill. Adm. Code 1505 Certified Veterinary Technicians (P-5737)
68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (P-2566)
68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435/93;A-2370)
68 Ill. Adm. Code 1315 III. Occupational Therapy Practice Act (P-590;A-7373)
68 Ill. Adm. Code 1270 III. Professional Land Surveyor Act of 1989 (P-14550/93;A-5900)
68 Ill. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act (P-7194)
68 Ill. Adm. Code 1283 Marriage and Family Therapy Licensing Act (P-5477)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (RQ-21209/93;EC-312)
68 Ill. Adm. Code 1455 Professional Counselor and Clinical Professional Counselor Licensing Act (P-7 986)
89 Ill. Adm. Code 102 Real Estate Appraiser Certificates (P-16379/93;A-2379)(P-2733;A-8428)
89 Ill. Adm. Code 102 Rights and Responsibilities (P-2602)
68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989 (P-5749)
68 Ill. Adm. Code 1500 Veterinary Medicine and Surgery Practice Act (P-5758)

PUBLIC AID, DEPARTMENT OF
89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-2753;A-4546)(P-19436/93;A-51 009)(P-22247/93;A-6994)(P-7208)(P-2587/93;A-8703)
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-13380/93;A-2018)(P-4562)(P-21982 93;A-7759)
89 Ill. Adm. Code 111 Assistance Standards (P-18764/93;A-2029)(P-22262/93;A-7009)
89 Ill. Adm. Code 160 Child Support Enforcement (P-497)(P-12067/93;A-697)
89 Ill. Adm. Code 170 Demonstration Programs (P-19440/93;A-3372)
89 Ill. Adm. Code 149 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (P-15243/93;A-3378)

Vol. 18, Issue #23		ILLINOIS REGISTER CUMULATIVE INDEX		June 10, 1994
(Public Adm. cont.)				
89 III. Adm. Code 121	Food Stamps (P-18425/93; A-2033)	(P-2178)	(E-2509/93; A-3427)	(P-4575/93; A-6251)
89 III. Adm. Code 114	General Assistance (P-19443/93; A-3436)	(P-4586)	(P-22308/93; A-7390)	
89 III. Adm. Code 152	Hospital Reimbursement Changes (P-1677)	(E-2150)		
89 III. Adm. Code 153	Long Term Care Reimbursement Changes (P-1686)	(E-2159)		
89 III. Adm. Code 120	Medical Assistance Programs (P-13392/93; A-2051)	(P-4063)	(P-221266/93; A-5934)	(P-22321/93; A-8718)
89 III. Adm. Code 140	Medical Payment (P-16436/93; A-3620)	(P-17736/93; A-3620)	(P-15444/93; A-4250)	(P-4077/93; A-4597; W-8730)
	(P-5778)	(P-18768/93; A-5951)		
89 III. Adm. Code 117	Reimbursement for Nursing Costs for Geriatric Facilities (P-14803/93; A-2405)	(P-18788/93; A-4274)		
89 III. Adm. Code 147	Related Program Provisions (P-21158/93; A-3746)	(P-22007/93; A-7403)		
89 III. Adm. Code 102	Rights and Responsibilities (P-15461/93; A-273)			
PUBLIC HEALTH, DEPARTMENT OF				
77 III. Adm. Code 692	AIDS Drug Reimbursement Program (P-12590/93; A-1427)			
77 III. Adm. Code 598	Allied Health Care Professional Assistance Law (P-3077)			
77 III. Adm. Code 205	Ambulatory Surgical Treatment Center Licensing Requirements (P-6653)			
77 III. Adm. Code 665	Child Health Examination Code (P-2697/93; A-4296)			
77 III. Adm. Code 690	Communicable Disease Control & Immunizations (P-1690)			
77 III. Adm. Code 694	Distribution of Medical Student Scholarship Payback Funds (P-8572)			
77 III. Adm. Code 535	Family Planning (P-19882/93; A-5969)			
77 III. Adm. Code 633	Hospital Licensing Requirements (P-46)			
77 III. Adm. Code 790	Illinois Formulary for the Drug Product Selection Program (PR-3202; P-3205)	(ER-3755; E-3778)		
77 III. Adm. Code 596	Illinois Rural Health Code (P-3086)			
77 III. Adm. Code 350	Intermediate Care for the Developmentally Disabled Facilities Code (P-12104/93; A-1432)	(P-4904)		
77 III. Adm. Code 245	Illinois Home Health Agency Code (P-747/93; A-2414)			
77 III. Adm. Code 540	Illinois Trauma Center Code (P-12101/93; A-2620)			
77 III. Adm. Code 845	Lead Poisoning Prevention (P-8021)			
77 III. Adm. Code 610	Local Health Department Development Grant Rules (P-14824/93; A-4310)			
77 III. Adm. Code 615	Local Health Protection Grant Rules (P-17798/93; A-4320)	(PR-17741/93; AR-4317)		
77 III. Adm. Code 390	Long-term Care for Under Age 22 Facilities Code (P-12128/93; A-1453)	(P-4924)		
77 III. Adm. Code 630	Maternal and Child Health Services Code (P-3069/93; A-4380)			
77 III. Adm. Code 600	Minimum Qualifications for Personnel Employed by Local Departments Code (P-14806/93; A-4476)	(PR-14831/93; AR-4422)		
77 III. Adm. Code 1100	Narrative & Planning Policies (P-12606/93; A-2988)			
77 III. Adm. Code 597	Nursing Education Scholarships (P-8590)			
77 III. Adm. Code 1110	Processing, Classification Policies & Review Criteria (P-12593/93; A-2993)			
77 III. Adm. Code 505	Pregnancy Termination Report Code (P-13631/93; A-453)			
77 III. Adm. Code 960	Preventive Health & Health Services Block Grants PHHS Rules (P-2180)			
77 III. Adm. Code 960	Preventive Health & Health Services Block Grants PHHS Rules (P-2205)			
77 III. Adm. Code 547	Regional Ambulance Services Code (P-95; A-6340)			
77 III. Adm. Code 340	Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (PR-103)			
77 III. Adm. Code 420	Rules of Practice and Procedure in Administrative Hearings (P-12155/93; A-5980)			
77 III. Adm. Code 100	Sale of Bonds (P-4538)			
77 III. Adm. Code 330	Sheltered Care Facilities Code (P-12188/93; A-1475)	(P-4942)		
77 III. Adm. Code 1400	Skilled Nursing & Intermediate Care Facilities Code (P-12203/93; A-1491)	(P-4961)		
77 III. Adm. Code 270	Subacute Care Hospital Demonstration Program Code (P-9654/93; A-2424)			
77 III. Adm. Code 672	WIC Vendor Management Code (P-12228/93; A-2450)			
PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD				
77 III. Adm. Code 1100	Narrative and Planning Policies (P-8144/93; A-8448)			
77 III. Adm. Code 1110	Classification Policies and Review Criteria (P-8149/93; A-8455)			
RACING BOARD, ILLINOIS				
11 III. Adm. Code 206	Board Meetings (P-112; A-7407)			
11 III. Adm. Code 208	Charitable Funds (P-115; A-7410)			
11 III. Adm. Code 510	Climbing Races (P-15790/93; A-2064)	(P-5500)		
11 III. Adm. Code 1405	Clerk of the Scales (P-5503)			
11 III. Adm. Code 210	Definitions (P-19057/93; A-2072)			

STUDENT ASSISTANCE COMMISSION, ILLINOIS	
23 Ill. Adm. Code 2771	College Savings Bond Bonus Incentive Grant (Big) Program (P-1006)
23 Ill. Adm. Code 2770	Federal Family Education Loan Program (P-1013)
23 Ill. Adm. Code 2700	General Provisions (P-1037)
23 Ill. Adm. Code 2731	Grant Programs for Dependents of Correctional Officers (P-1054)
23 Ill. Adm. Code 2730	Illinois National Guard Grant Program (P-1058)
23 Ill. Adm. Code 2733	Illinois Veteran Grant (VVG) Program (P-1064)
23 Ill. Adm. Code 2761	Merit Recognition Scholarship (MRS) Program (P-1073)
23 Ill. Adm. Code 2763	Minority Teachers of III. (MTD) Scholarship Program (P-1080)
23 Ill. Adm. Code 2762	Paul Douglas Teacher Scholarship Program (P-1089)
23 Ill. Adm. Code 2732	Police Officer/Fire Officer Survivor Grant Program (P-1098)
23 Ill. Adm. Code 2760	State Scholar Program (P-1073)(P-1803)
23 Ill. Adm. Code 2770	Student to Student (STS) Program of Matching Grants (P-1102)
TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS	
80 Ill. Adm. Code 1650	The Administration and Operation of the Teachers' Retirement System (A-22487/93; P-22487/93)
TRANSPORTATION, DEPARTMENT OF	
92 Ill. Adm. Code 14	Aviation Safety (P-5796)
92 Ill. Adm. Code 177	Carriage by Public Highway (P-21305/93; A-7852)
92 Ill. Adm. Code 700	Construction in Floodways of Rivers, Lakes & Streams (P-607; E-790; A-8167)
92 Ill. Adm. Code 180	Continuing Qualification & Maintenance of Packaging (P-21310; A-7857)
92 Ill. Adm. Code 397	Driving & Parking (P-13686/93; A-736)
92 Ill. Adm. Code 392	Driving of Motor Vehicles (P-13690/93; A-740)(P-2909)
92 Ill. Adm. Code 600	Employee Commute Options (P-12613/93; A-540)
92 Ill. Adm. Code 708	Floodway Construction in Northeastern Ill. (P-1811)
92 Ill. Adm. Code 171	General Information, Regulations and Definitions (P-21314/93; A-7861)
92 Ill. Adm. Code 172	Hazardous Materials Table and Hazardous Materials (P-21326/93; A-7874)
92 Ill. Adm. Code 395	Hours of Service of Drivers (P-13693/93; A-743)
92 Ill. Adm. Code 396	Inspection, Repair & Maintenance (P-13699/93; A-749)
92 Ill. Adm. Code 440	Minimum Safety Standards for Construction of Type I School Buses (P-6272)
92 Ill. Adm. Code 442	Minimum Safety Standards for Construction of Type II School Buses (P-6304)
92 Ill. Adm. Code 444	Minimum Safety Standards for Construction of School Buses used in Special Education Transportation (P-6318)
92 Ill. Adm. Code 390	Motor Carrier Safety Regs. (P-13986/93; A-754)(P-2912)
92 Ill. Adm. Code 456	Non-scheduled Bus Inspections (P-4126)
92 Ill. Adm. Code 393	Parts & Accessories Necessary for Safe Operation (P-13730/93; A-774)
44 Ill. Adm. Code 650	Prequalification of Contractors & Issuance of Plans & Proposals (P-3208)
92 Ill. Adm. Code 107	Procedures (P-21333/93; A-7881)
92 Ill. Adm. Code 386	Procedures & Enforcement (P-13734/93; A-778)
92 Ill. Adm. Code 391	Qualification of Drivers (P-13739/93; A-783)
92 Ill. Adm. Code 518	Relocation Assistance and Payments Program (P-12628/93; A-283)
92 Ill. Adm. Code 173	Shippers General Requirements for Shipments and Packaging (P-21345/93; A-7895)
92 Ill. Adm. Code 178	Specifications for Packaging (P-21351/93; A-7901)
92 Ill. Adm. Code 179	Specifications for Tank Cars (P-21362/93; A-7912)
92 Ill. Adm. Code 533	Use and Enjoyment of Rest Areas (P-18447/93; A-2625)
92 Ill. Adm. Code 450	Vehicle Inspection Section Hearings (P-7733)

UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF	
23 Ill. Adm. Code 1300	Certificate of Certified Accountants (P-5515)
89 Ill. Adm. Code 1200	Program Content & Guidelines for Division of Specialized Care for Children (P-7780/93; A-2104)

NOTICE OF PUBLIC HEARINGS	
CARNIVAL-AMUSEMENT SAFETY BOARD	
56 Ill. Adm. Code 6000	Carnival and Amusement Ride Inspection Law
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 408	Licensing Standards for Group Day Care Homes
89 Ill. Adm. Code 406	Licensing Standards for Day Care Homes
PROFESSIONAL REGULATIONS, DEPARTMENT OF	
68 Ill. Adm. Code 1375	Professional Counselor and Clinical Professional Licensing Act

ILLINOIS REGISTER CUMULATIVE INDEX June 10, 1994	
(Public Hearings, cont.)	
PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD	
77 Ill. Adm. Code 830	Structural Pest Control Code
NOTICE OF PUBLIC INFORMATION	
AGRICULTURE, DEPARTMENT OF	
2377	Animal Diagnostic Laboratory Act
ATTORNEY GENERAL, ILLINOIS	
Proposed Consent Decree pursuant to the Comprehensive Environment Response, Compensation & Liability Act & the Ill. Environmental Protection Act;	
3035	Amoco Chemical/Joliet Landfill
BANKS AND TRUST COMPANIES, COMMISSIONER OF	
556	Notice of Public Meeting of the Illinois Fiduciary Advisory Committee
Notice of Public Meeting-State Banking Board of Ill. and the Board of Trustees of the	
2528	Ill. Bank Examiner's Education Foundation
Notice of Acceptance of an Application; AMBANC Corp., Vincennes, Indiana	
7511	to Acquire Lincolnland Bancshares, Inc., Casey, Ill.
ENVIRONMENTAL PROTECTION AGENCY	
318	Listing of Derived Water Quality Criteria
8734	Listing of Derived Water Quality Criteria
INSURANCE, DEPARTMENT OF	
4464	Long-Term Care Partnership Insurance
POLLUTION CONTROL BOARD	
3154	Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) [415 ILCS 5/7.2(b)]
5020	PUBLIC AID, DEPARTMENT OF
Proposed change in Reimbursements to Hospitals under the Medicaid Program	
REVENUE, DEPARTMENT OF	
7028	Private Letter Rulings, Illinois Department of Labor Sunshine Act [20 ILCS 2515/1, et seq.]
7512	Index Letter Rulings (Fourth Quarter of 1993)(Income Tax)
7552	Index Letter Rulings (Fourth Quarter of 1993)(ROT)
7953	Index Letter Rulings (First Quarter of 1994)(Income Tax)
NOTICE OF CORRECTIONS	
ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF	
8731	Subacute Alcoholism and Substance Abuse Treatment Services; 77 Ill. Adm. Code 2090
COMPTROLLER, OFFICE OF	
8172	Ill. Funeral or Burial Funds Act; 38 Ill. Adm. Code 610
LIEUTENANT GOVERNOR, OFFICE OF THE	
796	Keep Ill. Beautiful Program; 47 Ill. Adm. Code 600
REVENUE, DEPARTMENT OF	
3016	Index of Letter Rulings (Third Quarter 1993) (ROT)
SECRETARY OF STATE	
Ill. Safety Responsibility Law; 92 Ill. Adm. Code 1070	
NOTICE OF REQUEST FOR EXPEDITED CORRECTIONS	
POLLUTION CONTROL BOARD	
3018	Procedural Requirements for Permitted Landfills; 35 Ill. Adm. Code 813
3021	Standards for New Solid Waste Landfills; 35 Ill. Adm. Code 811
NOTICE OF EXPEDITED CORRECTIONS	
COMMUNITY COLLEGE BOARD, ILLINOIS	
3027	Administration of the Ill. Public Community Act; 23 Ill. Adm. Code 1501
REGULATORY FLEXIBILITY IMPACT ANALYSIS	
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
2533, 2534, 3037, 3793, 3794, 4466, 6452, 6453, 7068, 7069	

Vol. 18, Issue #23 **ILLINOIS REGISTER** **June 10, 1994**
CUMULATIVE INDEX

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Meeting of January 11, 1994 326
Meeting of February 15, 1994 2535
Meeting of March 22, 1994
Meeting of April 19, 1994 6023
Meeting of May 17, 1994 7544
Meeting of June 14, 1994 8742

SECOND NOTICES RECEIVED

334, 557, 801, 1658, 2175, 2543, 2668, 3038, 3156, 3795, 4474, 5022, 5365, 5711, 6029, 6188, 6455, 7072, 7552, 7961, 8202, 8505, 8752

JOINT COMMITTEE ON ADMINISTRATIVE RULES-STATEMENTS OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 2650, Recommendation 3151
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Licensing Standards for Day Care Homes; 89 Ill. Adm. Code 406, Recommendation 3152
Licensing Standards for Group Day Care Homes; 89 Ill. Adm. Code 408, Recommendation 3153

EMPLOYMENT SECURITY

Notice, Records, Reports; 56 Ill. Adm. Code 2760, Objection

FINANCIAL INSTITUTIONS

Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges; 38 Ill. Adm. Code 130, Withdrawal of Filing Prohibition 7071

RACING BOARD, ILLINOIS

Medication; 11 Ill. Adm. Code 509, Objection 8504

STATE FIRE MARSHAL, OFFICE OF

Policy & Procedures Manual for Fire Protection Personnel; 41 Ill. Adm. Code 140, Recommendation 8503

EXECUTIVE ORDERS AND PROCLAMATIONS

94-1 The Illinois Task Force on School-To-Work Transition 1659
94-2 Executive Order Creating The Illinois Commission on Regulatory Review 1661
94-3 Flood Transfer III 2669
94-4 Denville Sewage Treatment Facility 7074

PROCLAMATIONS

93-553 Financial Literacy for Youth Month 336
93-554 Religious Freedom Day 559
93-555 Franchising Week 559
94-1 Black Data Processing Associates Day 560
94-2 Sertoma National Heritage Freedom Week 802
94-3 Alcoholism Halfway House Days 803
94-4 Bangladesh Day 803
94-5 Catholic Schools Week 804
94-6 Land Surveyors' Month 804
94-7 Dr. Martin Luther King Jr. Day/Day of Tribute 804
94-8 African-American Unity March Day 2546
94-9 Human Services Week 2546
94-10 Ivan And Ruth Frick Day 2547
94-11 Week of the High Risk Child 2547
94-12 African-American History Month 2548
94-13 Free Enterprise Week 2548
94-14 International Festival Week 2548
94-15 Martina Navratilova Days 2549
94-16 Save A Life Day 2550
94-17 Student Financial Aid Awareness Month 2550
94-18 Self-Esteem Week 2674

Vol. 18, Issue #23 **ILLINOIS REGISTER** **June 10, 1994**
CUMULATIVE INDEX

94-19 Long-Term Care Administrators Week 2674
94-20 Nursing Home Week 2674
94-21 Kiwanis Week 2675
94-22 AFS Host Family Recognition Week 2675
94-23 Little City Foundation/Chicago Luvabulls Super Bowl Party Day 2676
94-24 National People's Action Take Back Our Streets and Communications Day 2676
94-25 Toughlove Programs Against Violence Month/Day Against Violence 2677
94-26 FFA Week 2677
94-27 Child Passenger Safety Month 2678
94-28 Dr. Carter G. Woodson Day 2679
94-29 Four Chaplains Sunday 2679
94-30 Libuanian Independence Day 2680
94-31 Seed Month 2680
94-32 Post Anesthesia Nurses Awareness Week 2681
94-33 Dick Helton Day 2681
94-34 Engineers Week 3040
94-35 Future Business Leaders of America-Phi Lambda Week 3040
94-36 GFWC Waukegan Woman's Club Day 3040
94-37 Manufacturing Week 3041
94-38 Marketing Week 3042
94-39 Multiple Sclerosis Awareness Month 3042
94-40 Nutrition Month 3042
94-41 Reading Is Fun Week 3043
94-42 Tornado Preparedness Week 3043
94-43 Representative Bob Olson Day 3044
94-44 Doctor's Day 3157
94-45 African American Contractors Day 3157
94-46 American Red Cross Month 3157
94-47 Chicago Academy for The Arts-5th Annual Dessert Classic Day 3158
94-48 Chronic Fatigue Syndrome Awareness Month 3159
94-49 National American Business Club Month 3160
94-50 School Breakfast Week 3160
94-51 School Social Work Week 3161
94-52 Denim Day 3161
94-53 Dental Assistants Recognition Week 3162
94-54 Employ The Older Worker Week 3162
94-55 Breastfeeding Promotion Month 3797
94-56 Herman M. Finch Day 3797
94-57 Music Education Day At The Capitol 3798
94-58 Cardmedas Day 3798
94-59 DuPage Symphony Orchestra Day 3799
94-60 Eye Donor Awareness Month 3800
94-61 Southern Illinois University Quasiquinquennial Day 3800
94-62 Apprenticeship Week 4475
94-63 Building Safety Week 4475
94-64 Greek Independence Day 4476
94-65 Malcolm X College Career Expo Day 4476
94-66 Professional Social Workers Month 4477
94-67 Casimir Pulaski Day 4477
94-68 Alcohol Awareness Month/Illinois State Youth Forum Day 4478
94-69 Certified Nurse Assistant Day 4478
94-70 Curtia Mayfield Day 4479
94-71 Licensed Practical Nurse Week 4479
94-72 Long-Term Care Nurses Week 4480
94-73 Volunteer Week 4480
94-74 Youth Art Month 4481
94-75 Parents Inservice Conference Days 4481
94-76 Bob Leininger Day 4482
94-67 Casimir Pulaski Day (Revised) 5024

**ILLINOIS REGISTER
CUMULATIVE INDEX**

Vol. 18, Issue #23

June 10, 1994

94-77	Chicago Opportunity Days	5024
94-78	Mental Retardation And SPARC Awareness Month	5025
94-79	Tre City USA Month	5025
94-80	Agriculture Day	5026
94-81	Tibetan Day	5367
94-82	Bicycle Prevention Month	5367
94-83	Bicycle Helmet and Safety Awareness Week	5368
94-84	Flea Paper Week	5368
94-85	VA West Side Medical Center Women's History Month	5368
94-86	Camp Fire Boys and Girls Day	5369
94-87	Chicago Latino Film Festival Days	5369
94-88	Student Council Week	5370
94-89	U.S. Savings Bond Campaign Month	5370
94-90	High Blood Pressure and Stroke Awareness Month	5712
94-91	Irish American Heritage Month	5712
94-92	Youth Temperance Education Week	5713
94-93	Arbor Day in Palos Heights	5713
94-94	Federal Employees of the Year Day	5714
94-95	Henrietta Sisk Day	5714
94-96	Lake and Watershed Management Month	5715
94-97	Medical Laboratory Week	5716
94-98	Motorcycle Awareness Month	5716
94-99	Nurses: The Heart of the Health Care Team Day	5716
94-100	Public Health Month	5717
94-101	Rural Electric and Telephone Youth Day	5717
94-102	Student-Athlete Day	5718
94-103	Call Before You Dig Month	6031
94-104	Continuity Of Care Week	6031
94-105	D.A.R.E. Day	6032
94-106	Illinois Community College Month	6032
94-107	Sexual Assault Awareness Month	6032
94-108	STD Awareness Month	6033
94-109	Women's Federation For World Peace Days	6033
94-110	American Association for Affirmative Action Days	6033
94-111	Illinois State Quartet Convention Week	6034
94-112	Probation Officer Day	6035
94-113	Professional Secretaries Week/Professional Secretaries Day	6035
94-114	Saving Month	6036
94-115	Soccer In The Street Day	6036
94-116	Telecommunicator Week	6036
94-117	Infant Immunization Week	6037
94-118	Natural Resources Stewardship Month	6038
94-119	Holocaust Commemoration Month	6190
94-120	Illinois Cancer Pain Awareness Week	6190
94-121	Emergency Medical Services Week	6191
94-122	Home Safety Week	6191
94-123	Manufactured Housing Month	6192
94-124	Month of the Young Child	6193
94-125	Organ And Tissue Donor Awareness Week	6193
94-126	Queen Isabella Day	6194
94-127	Week of the Young Child	6194
94-128	Harry Caray Day	6195
94-129	Logistics Week	6195
94-130	AIDS Awareness Day/AIDS Walk Springfield Day	6196
94-131	American POW Recognition Day	6196
94-132	James S. Kemper, Jr. Day	6197
94-133	Jewish Cultural Week	6197
94-134	Pakistani Day	6198
94-135	Purple Bows For Cancer's 2nd Introduction Day	6198

**ILLINOIS REGISTER
CUMULATIVE INDEX**

Vol. 18, Issue #23

June 10, 1994

94-136	Chicago Youth Symphony Orchestra Day	6198
94-137	Crime Victims Rights Week	6199
94-138	Holocaust Commemoration Month (Revised)	6199
94-139	Israel Independence Day	6200
94-140	Louis B. Kuhn Day	6201
94-141	Tullahoma's Week	6201
94-142	Disaster Area-Douglas County	6457
94-143	Disaster Area-Calhoun, Green and Jersey Counties	6457
94-144	Disaster Area-Within State of Illinois	6458
94-145	Disaster Area-Alexander, Cass, Menard, Sangamon, Dewitt and Vermillion Counties	6458
94-146	Anthony M. Tortorello Day	6459
94-147	Dave and Linda Kindermay Day	6459
94-148	Design/Drafting Week	6460
94-149	Harold Washington Day	6461
94-150	Illinois Eye Fund/UJC Eye Center Day	6461
94-151	Medical Assistants Week	6462
94-152	Year of the Conger Expedition	6462
94-153	Youth Service Day	6463
94-154	Chicago Coin Club Day	6463
94-155	Child Abuse Prevention Services Day	6464
94-156	Keep America Beautiful Month	6464
94-157	Seth Ira Starnes Day	6465
94-158	Girl Scout Leaders Day	6465
94-159	Disaster Areas-Champaign and Iroquois Counties	7075
94-160	Christian Heritage Week	7075
94-161	Darryl Hartley-Leonard and Hyatt Hotels Corporation Day	7076
94-162	Scientific Literacy Week	7076
94-163	E.M. (Buck) Chastain Day	7077
94-164	Groundwater Protection Month	7077
94-165	Monignor Edward J. Duncan Day	7078
94-166	Smiles for Little City Days	7078
94-167	George Hovanes Appreciation Day	7079
94-168	Kim Deakins, Janelle King and Mary Murphy Day	7079
94-169	Suicide Prevention Week/Survivors of Suicide Day	7080
94-170	Day of Prayer	7081
94-171	James M. Bailey Day	7081
94-172	Chicago Commons Month	7082
94-173	Charleston Area Senior Center Day	7083
94-174	Community Banking Week	7083
94-175	Corrections Officer Week	7084
94-176	Dyalexia/Learning Disabilities Month	7084
94-177	Home Education Week	7085
94-178	Mattoon Area Senior Center Day	7085
94-179	Zion Missionary Baptist Day	7086
94-180	Disaster Areas - Madison, Madon, Monroe, Platt and St. Clair Counties	7086
94-181	Better Hearing and Speech Month	7963
94-182	Bike Month	7964
94-183	Cyrotechnology Day	7964
94-184	Drinking Water Week	7965
94-185	George Tammings Day	7965
94-186	Holy Name of Mary Parish Women's Day	7966
94-187	Law Day	7966
94-188	Mathematics Awareness Week	7967
94-189	Metropolitan Pier and Exposition Authority Employee Longevity Day	7967
94-190	Mother of the Year Day	7968
94-191	Nurses Week	7968
94-192	Older Americans Month	7969
94-193	Public Service Recognition Day	7970
94-194	Children's Emotional and Behavioral Disorders Awareness Week	7971

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #23 **June 10, 1994**

94-194 Illinois Small Business Week
94-195 Hedassah Days
94-196 Family Service DuPage Day
94-197 Life Insurance Week
94-198 South Holland Centennial Day/South Holland Centennial Week/South Holland Centennial Month
94-199 Asian Pacific American Heritage Month
94-200 Dr. Joseph C. Dalpiaz Day
94-201 Foster Parent Appreciation Month
94-202 Polish Constitution Day
94-203 Women in Trades Career Day
94-204 Illinois State Chamber of Commerce/75th Anniversary Year
94-205 Loyalty Day
94-206 Music Week
94-207 RP Awareness Day
94-208 Chicago Crime Commission Day
94-209 Eugene E. Lunger Day
94-210 National Association of Women Business Owners Public Affairs Day
94-211 Physical Fitness and Sports Month/Physical Education and Sports Week
94-212 Project Aces Day
94-213 Cambodian Culture Days
94-214 Gene Siskel Day
94-215 Kantorei Week
94-216 React Month
94-217 Womens Lawyers' Day
94-218 Arts Week
94-219 Rotary Club of Oak Park Day
94-220 SCORE DAY
94-221 A.J. Boggio Day
94-222 D.A.R.E. Family Night with the Cardinals
94-223 Howard A. Peters III Day
94-224 Mother's Day
94-225 Palos Heights Public Library Day
94-226 Planet Illinois Day
94-227 Gateway Foundation Day
94-228 Legacy Foundation Day
94-229 National Association of Insurance Women's Week
94-230 Surgical Technologists Week
94-231 World Cup Education Month/World Cup Daus
94-232 Child Support Awareness Month
94-233 Electrical Safety Month
94-234 Highland Community College Collegiate Choir Day
94-235 Telephone Operators Week at Illinois Masonic Medical Center
94-236 Alan F. Quonos Day
94-237 CPA Day
94-238 Maritime Day
94-239 Railroad Women's Day
94-240 Tourism Day
94-241 Transportation Day
94-242 Buckle-Up America Month
94-243 Dr. William Hill Day
94-244 Stamp Collecting Week
94-245 Tourism Day
94-246 Black Child Development Week
94-247 ENCARE Day
94-248 Public Humanities Day
94-249 School Counselor Week
94-250 Greek American Heritage Week
94-251 Jeff Childs Day
95-252 John Stoffel Day

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #23 **June 10, 1994**

94-253 Ray Pasia Day
94-254 Raymond J. Norbut Day
94-255 Ron Koeppl Day
94-256 Cornelia de Lange Awareness Day
94-257 CRS Day
94-258 Eugene C. Swager Day
94-259 Soccer Celebration Day
94-260 Illinois River Appreciation Month
94-261 Moving Vietnam Memorial Wall Days
94-262 Sweet Success Day
94-263 Dr. Harold D. McAnich Day
94-264 Operation Hayward Day
94-265 Alfred Eisenstaedt Day
94-266 Chicago Academy for the Arts/Phil Donahue and Mario Thomas Day
94-267 Illinois Agricultural Youth Institute Days
94-268 Safe Boating Week
94-269 Safety Week
94-270 Garden Week
94-271 Italian-American War Veterans' Day
94-272 James-Burt Family Reunion Days
94-273 Mary Jean Cummings Day
94-274 Robert Lweandowski Day
94-275 D-Day Veterans' Day
94-276 Day of the African Child
94-277 GI Bill Day
94-278 Jewish-American Sports Hall of Fame Day
94-279 Peter Joseph Srdar Day
94-280 American GI Forum Day
94-281 Philippine Week 1994
94-282 Try American Day

230.900	em	IP-1322/93,A-1233	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)	f	(A-6440)
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Volume 18, Issue #23

ILLINOIS REGISTER

June 10, 1994

SECTIONS AFFECTED INDEX

(Title 35, cont.)

399.20

n

(P-2552)

725.543

am

(P-337/A-6771)

399.30

n

(P-2552)

726.203

am

(P-6600)

399.40

n

(P-2552)

726.204

am

(P-6600)

399.50

n

(P-2552)

726.206

am

(P-6600)

399.60

n

(P-2552)

726.212

am

(P-6600)

399.110

n

(P-2552)

726.212

am

(P-6600)

399.120

n

(P-2552)

726.212

am

(P-6600)

399.130

n

(P-2552)

726.212

am

(P-6600)

399.140

n

(P-2552)

726.212

am

(P-6600)

399.150

n

(P-2552)

726.212

am

(P-6600)

399.160

n

(P-2552)

726.212

am

(P-6600)

399.170

n

(P-2552)

726.212

am

(P-6600)

399.180

n

(P-2552)

726.212

am

(P-6600)

399.190

n

(P-2552)

726.212

am

(P-6600)

399.200

n

(P-2552)

726.212

am

(P-6600)

399.210

n

(P-2552)

726.212

am

(P-6600)

399.220

n

(P-2552)

726.212

am

(P-6600)

399.230

n

(P-2552)

726.212

am

(P-6600)

399.240

n

(P-2552)

726.212

am

(P-6600)

399.250

n

(P-2552)

726.212

am

(P-6600)

399.260

n

(P-2552)

726.212

am

(P-6600)

399.270

n

(P-2552)

726.212

am

(P-6600)

399.280

n

(P-2552)

726.212

am

(P-6600)

399.290

n

(P-2552)

726.212

am

(P-6600)

399.300

n

(P-2552)

726.212

am

(P-6600)

399.310

n

(P-2552)

726.212

am

(P-6600)

399.320

n

(P-2552)

726.212

am

(P-6600)

399.330

n

(P-2552)

726.212

am

(P-6600)

399.340

n

(P-2552)

726.212

am

(P-6600)

399.350

n

(P-2552)

726.212

am

(P-6600)

399.360

n

(P-2552)

726.212

am

(P-6600)

399.370

n

(P-2552)

726.212

am

(P-6600)

399.380

n

(P-2552)

726.212

am

(P-6600)

399.390

n

(P-2552)

726.212

am

(P-6600)

399.400

n

(P-2552)

726.212

am

(P-6600)

399.410

n

(P-2552)

726.212

am

(P-6600)

399.420

n

(P-2552)

726.212

am

(P-6600)

399.430

n

(P-2552)

726.212

am

(P-6600)

399.440

n

(P-2552)

726.212

am

(P-6600)

399.450

n

(P-2552)

726.212

am

(P-6600)

399.460

n

(P-2552)

726.212

am

(P-6600)

399.470

n

(P-2552)

726.212

am

(P-6600)

399.480

n

(P-2552)

726.212

am

(P-6600)

399.490

n

(P-2552)

726.212

am

(P-6600)

399.500

n

(P-2552)

726.212

am

(P-6600)

399.510

n

(P-2552)

726.212

am

(P-6600)

399.520

n

(P-2552)

726.212

am

(P-6600)

A-4375)

370.520

n

(A-4375)

725.543

am

(P-337/A-6771)

370.530

n

(A-4375)

726.203

am

(P-6600)

370.540

n

(A-4375)

726.204

am

(P-6600)

370.550

n

(A-4375)

726.206

am

(P-6600)

370.560

n

(A-4375)

726.212

am

(P-6600)

370.570

n

(A-4375)

726.212

am

(P-6600)

370.580

n

(A-4375)

726.212

am

(P-6600)

370.590

n

(A-4375)

726.212

am

(P-6600)

370.600

n

(A-4375)

726.212

am

(P-6600)

370.610

n

(A-4375)

726.212

am

(P-6600)

370.620

n

(A-4375)

726.212

am

(P-6600)

370.700

n

(A-4375)

726.212

am

(P-6600)

370.710

n

(A-4375)

726.212

am

(P-6600)

370.720

n

(A-4375)

726.212

am

(P-6600)

370.730

n

(A-4375)

726.212

am

(P-6600)

370.740

n

(A-4375)

726.212

am

(P-6600)

370.750

n

(A-4375)

726.212

am

(P-6600)

370.800

n

(A-4375)

726.212

am

(P-6600)

370.810

n

(A-4375)

726.212

am

(P-6600)

370.820

n

(A-4375)

726.212

am

(P-6600)

370.830

n

(A-4375)

726.212

am

(P-6600)

370.840

n

(A-4375)

726.212

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(P-6600)

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(P-6600)

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(P-6600)

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n

(A-4375)

726.212

am

(P-6600)

370.Ap.B

n

(A-4375)

726.212

am

(P-6600)

370.Ap.C

n

(A-4375)

726.212

am

(P-6600)

370.Ap.D

n

(A-4375)

726.212

am

(P-6600)

370.Ap.E

n

(A-4375)

726.212

am

(P-6600)

370.Ap.F

n

(A-4375)

726.212

am

(P-6600)

370.Ap.G

n

(A-4375)

726.212

am

(P-6600)

370.Ap.H

n

(A-4375)

726.212

am

(P-6600)

372.100

n

(P-4524)

726.212

am

(P-4524)

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n

(P-4524)

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am

(P-4524)

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n

(P-4524)

726.212

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

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(P-4524)

726.212

am

(P-4524)

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n

(P-4524)

726.212

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(P-4524)

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n

(P-4524)

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n

(P-4524)

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(P-4524)

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n

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am

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A-20692/93;C-5013)

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am

(P-388/A-6799)

A-20692/93;C-5013)

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am

(P-388/A-6799)

A-20692/93;C-5013)

728.136

am

(P-388/A-6799)

A-20692/93;C-5013)

728.137

am

(P-388/A-6799)

A-20692/93;C-5013)

728.140

am

(P-388/A-6799)

A-20692/93;C-5013)

728.141

am

(P-388/A-6799)

A-20692/93;C-5013)

728.142

am

(P-388/A-6799)

A-20692/93;C-5013)

728.145

am

(P-388/A-6799)

A-20692/93;C-5013)

728.146

am

(P-388/A-6799)

A-20692/93;C-5013)

728.150

am

(P-388/A-6799)

A-20692/93;C-5013)

728.Ap.A

am

(P-388/A-6799)

A-20692/93;C-5013)

728.Ap.B

am

(P-388/A-6799)

A-20692/93;C-5013)

728.Tb.A

am

(P-388/A-6799)

A-20692/93;C-5013)

728.Tb.B

am

(P-388/A-6799)

A-20692/93;C-5013)

728.Tb.D

am

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A-20692/93;C-5013)

728.Tb.F

am

(P-388/A-6799)

A-20692/93;C-5013)

732.100

n

(P-5403)

A-20692/93;C-5013)

732.101

n

(P-5403)

A-20692/93;C-5013)

732.102

n

(P-5403)

A-20692/93;C-5013)

732.103

n

(P-5403)

A-20692/93;C-5013)

732.105

n

(P-5403)

A-20692/93;C-5013)

732.106

n

(P-5403)

A-20692/93;C-5013)

732.107

n

(P-5403)

A-20692/93;C-5013)

732.202

n

(P-5403)

A-20692/93;C-5013)

732.203

n

(P-5403)

A-20692/93;C-5013)

732.204

n

(P-5403)

A-20692/93;C-5013)

732.300

n

(P-5403)

A-20692/93;C-5013)

732.301

n

(P-5403)

A-20692/93;C-5013)

732.302

n

(P-5403)

A-20692/93;C-5013)

732.304

n

(P-5403)

A-20692/93;C-5013)

732.305

n

(P-5403)

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732.306

n

(P-5403)

A-20692/93;C-5013)

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n

(P-5403)

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732.308

n

(P-5403)

A-20692/93;C-5013)

732.310

n

(P-5403)

A-20692/93;C-5013)

732.402

n

(P-5403)

A-20692/93;C-5013)

732.403

n

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A-20692/93;C-5013)

732.404

n

(P-5403)

A-20692/93;C-5013)

732.405

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(P-5403)

A-20692/93;C-5013)

732.406

n

(P-5403)

A-20692/93;C-5013)

732.407

n

(P-5403)

A-20692/93;C-5013)

732.408

n

(P-5403)

A-20692/93;C-5013)

732.409

n

(P-5403)

A-20692/93;C-5013)

732.410

n

(P-5403)

A-20692/93;C-5013)

732.411

n

(P-5403)

A-20692/93;C-5013)

732.412

n

(P-5403)

A-20692/93;C-5013)

732.413

n

(P-5403)

A-20692/93;C-5013)

732.414

n

(P-5403)

A-20692/93;C-5013)

732.415

n

(P-5403)

A-20692/93;C-5013)

732.416

n

(P-5403)

A-20692/93;C-5013)

732.417

n

(P-5403)

A-20692/93;C-5013)

732.418

n

(P-5403)

A-20692/93;C-5013)

732.419

n

(P-5403)

A-20692/93;C-5013)

732.420

n

(P-5403)

A-20692/93;C-5013)

732.421

n

(P-5403)

A-20692/93;C-5013)

732.422

n

(P-5403)

A-20692/93;C-5013)

732.423

n

(P-5403)

A-20692/93;C-5013)

732.424

n

(P-5403)

A-20692/93;C-5013)

732.425

n

(P-5403)

A-20692/93;C-5013)

732.426

n

(P-5403)

A-20692/93;C-5013)

732.427

n

(P-5403)

A-20692/93;C-5013)

732.428

n

(P-5403)

A-20692/93;C-5013)

732.429

n

(P-5403)

A-20692/93;C-5013)

732.430

n

(P-5403)

A-20692/93;C-5013)

732.431

n

(P-5403)

A-20692/93;C-5013)

732.432

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(P-5403)

A-20692/93;C-5013)

732.433

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A-20692/93;C-5013)

732.434

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(P-5403)

A-20692/93;C-5013)

732.435

n

(P-5403)

A-20692/93;C-5013)

732.436

n

(P-5403)

A-20692/93;C-5013)

732.437

n

(P-5403)

A-20692/93;C-5013)

732.438

n

(P-5403)

A-20692/93;C-5013)

732.439

n

(P-5403)

A-20692/93;C-5013)

Volume 18, Issue #23

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

June 10, 1994

[Title 35, cont.]							
739.173	(P-5403)	n	(P-455)(P-9586/93; A-20954/93;C-5017)	em	811.712	em	(P-8726/93;A-1308) (C-4434)
739.174	(P-5403)	n	(P-455)(P-9586/93; A-20954/93;C-5017)	em	811.713	em	(P-8726/93;A-1308) (C-4434)
810.103	(P-5403)	em	(P-8702/93;A-1268) (P-8702/93;A-1268)	em	811.714	em	(P-8726/93;A-1308) (C-4434)
810.104	(P-5403)	em	(P-8702/93;A-1268)	em	811.715	em	(P-8726/93;A-1308) (C-4434)
811.101	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	811.Ap.A	em	(P-8726/93;A-1308) (C-4434)
811.107	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	II.A	em	(P-8726/93;A-1308) (C-4434)
811.110	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	II.C	em	(P-8726/93;A-1308) (C-4434)
811.111	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	II.D	em	(P-8726/93;A-1308) (C-4434)
811.112	(P-5403)	n	(P-8726/93;A-1308) (C-4434)	em	II.E	em	(P-8726/93;A-1308) (C-4434)
811.302	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	811.Ap.B	em	(P-8726/93;A-1308) (C-4434)
811.303	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	813.1.06	em	(P-16920/93;A-2409) (EC-3016)
811.309	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.01	em	(P-871.493;A-1284) (P-871.493;A-1284)
811.310	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.02	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.1.04	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.03	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.1.05	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.04	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.1.07	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.05	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.1.08	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.06	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.1.09	(P-5403)	em	(P-8726/93;A-1308) (C-4434)	em	814.1.07	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.302	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	814.302	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.402	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	814.402	em	(P-871.493;A-1284) (P-871.493;A-1284)
814.501	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	814.501	em	(P-871.493;A-1284) (P-871.493;A-1284)
817.309	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	817.309	em	(P-871.493;A-1284) (P-871.493;A-1284)
835.107	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	835.107	em	(P-871.493;A-1284) (P-871.493;A-1284)
TITLE 36							
130.10	(P-455)(P-9586/93; A-20954/93;C-5017)	em	(P-8726/93;A-1308) (C-4434)	em	130.10	em	(P-6829/93/93;W-6454) (P-6829/93/93;W-6454)
130.60	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	130.60	em	(P-6829/93/93;W-6454) (P-6829/93/93;W-6454)
380.10	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	380.10	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
380.30	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	380.30	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.10	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.10	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.20	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.20	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.30	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.30	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.40	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.40	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.50	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.50	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.60	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.60	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.70	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.70	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.80	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.80	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.90	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.90	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.C	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.C	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1	em	(P-1937/93;A-4530) (P-1937/93;A-4530)
610.EA.8.C.1	(P-455)	em	(P-8726/93;A-1308) (C-4434)	em	610.EA.8.C.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1		

Title 56, cont.)	(P-2006/93.A-6022)	240,460	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,140	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,470	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,150	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,510	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,160	am	(P-12205/93.A-1491)
	(E-2631,07/07.M-7482)	240,610	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,170	am	(P-12205/93.A-1491)
	(P-16318/93.A-261)	240,640	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,180	am	(P-4961)
	(P-16318/93.A-261)	240,710	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,190	am	(P-4961)
	(P-16318/93.A-261)	240,740	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,200	am	(P-4961)
	(P-16318/93.A-261)	240,750	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,210	am	(P-4961)
	(P-16318/93.A-261)	240,760	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,220	am	(P-4961)
	(P-16318/93.A-261)	240,770	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,230	am	(P-4961)
Title 57	(P-19415/93.A-4154)	240,780	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,240	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,790	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,250	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,810	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,260	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,850	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,270	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,860	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,280	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,880	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,290	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,881	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,300	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,920	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,310	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,930	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,320	am	(P-12188/93.A-1475)
	(P-19415/93.A-4154)	240,940	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,330	am	(P-12188/93.A-1475)
Title 58, cont.)	(P-2006/93.A-6022)	240,110	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,140	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1120	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,150	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1130	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,160	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1140	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,170	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1150	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,180	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1160	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,190	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1170	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,200	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1180	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,210	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1190	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,220	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1200	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,230	am	(P-12205/93.A-1491)
Title 59	(P-2006/93.A-6022)	240,1205	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,240	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1210	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,250	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1220	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,260	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1230	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,270	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1240	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,280	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1250	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,290	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1260	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,300	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1270	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,310	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1280	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,320	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1290	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,330	am	(P-12205/93.A-1491)
Title 60	(P-2006/93.A-6022)	240,1300	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,340	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1310	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,350	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1320	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,360	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1330	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,370	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1340	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,380	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1350	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,390	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1360	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,400	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1370	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,410	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1380	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,420	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1390	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,430	am	(P-12205/93.A-1491)
Title 61	(P-2006/93.A-6022)	240,1400	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,440	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1410	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,450	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1420	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,460	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1430	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,470	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1440	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,480	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1450	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,490	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1460	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,500	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1470	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,510	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1480	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,520	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1490	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,530	am	(P-12205/93.A-1491)
Title 62	(P-2006/93.A-6022)	240,1500	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,540	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1510	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,550	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1520	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,560	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1530	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,570	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1540	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,580	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1550	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,590	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1560	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,600	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1570	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,610	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1580	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,620	am	(P-12205/93.A-1491)
	(P-2006/93.A-6022)	240,1590	am	(P-221,28/93.A-9081)	1375,40	n	(P-7986)	1505,40	am	(P-5737)	300,630	am	(P-12205/93.A-1491)

ILLINOIS REGISTER

Volume 18, Issue #23 SECTIONS AFFECTED INDEX

June 10, 1994

June 10, 1995

[illegible]

SAI-19

SAI-20

ILLINOIS REGISTER
 Volume 18, Issue #23 June 10, 1994
 SECTIONS AFFECTED INDEX

(Title 92, cont.)
 1375.8130 r (P.8635/93A.1927)
 1375.8140 r (P.8635/93A.1927)
 1376.10 n (P.8630/93A.1914)
 1376.20 n (P.8630/93A.1914)
 1376.30 n (P.8630/93A.1914)
 1376.40 n (P.8630/93A.1914)
 1710.134 n (P.2125/93A.8609)
 1710.170 sm (P.2125/93A.8609)